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Sixtieth session

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72nd plenary meeting
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New York

President: Mr. Eliasson ..... (Sweden)

The meeting was called to order at 11.30 a.m.

Agenda items 46 and 120 (*continued*)

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Follow-up to the outcome of the Millennium Summit

Draft resolution (A/60/L.48)

Report of the Fifth Committee (A/60/721)

The President: Members will recall that, under the two agenda items, the General Assembly, at its 66th plenary meeting, on 20 December 2005, adopted resolution 60/180, on the Peacebuilding Commission.

In connection with the two items, the Assembly now has before it a draft resolution issued as document A/60/L.48, and the report of the Fifth Committee on the programme budget implications of that draft resolution, contained in document A/60/721.

We are assembled this morning to take action on the draft resolution on the Human Rights Council, A/60/L.48, the text of which I first presented to members in our informal consultations of the plenary on 23 February. The draft is presented today in pursuance of the mandate given to us by our leaders at the 2005 World Summit. The Summit resolved to strengthen the United Nations human rights machinery. As members are aware, we have already taken some action in that regard — for example, by agreeing to strengthen the Office of the High Commissioner for Human Rights.

It now falls upon us to fulfil the other main element of our leaders' resolve to strengthen the United Nations human rights machinery, by creating a Human Rights Council. Our leaders gave us a clear mandate to do so, and they gave a specific task to the President of the General Assembly to conduct open, transparent and inclusive negotiations, to be completed as soon as possible during the sixtieth session. I have done that, and today I formally present the result to the Assembly.

The draft resolution is the culmination of five months of consultations and negotiations. We are grateful to those who have contributed: to the Secretary-General for his leadership to the Co-Chairmen — Ambassador Arias of Panama and Ambassador Kumalo of South Africa — for their skilled and selfless work and most of all to all members, for the energy and commitment they have invested in the consultations and negotiations as well as to civil society for their active contributions. The draft resolution before us today is, above all, the outcome of our common combined efforts, intellect and aspirations.

Since the presentation of the text on 23 February, members have all had an opportunity to study the draft resolution thoroughly with their capitals and in their various groups. I am encouraged by the very broad support that has emerged for the text as an integrated

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whole as a result of members' deliberations. The text before us — as a whole, I repeat — represents the work of all of us. No Member State has got everything it argued for. For many members, adopting the draft resolution today would mean compromising on some points on which they had felt — and still feel — strongly.

But we have now reached a decisive moment, both for the promotion and protection of human rights and for effective multilateralism and the standing of the United Nations as a whole. As our leaders acknowledged in September 2005, the three pillars of the United Nations — development, peace and security, and human rights — are interlinked and mutually reinforcing. Without strength in all, we have strength in none. The world has never needed a strong United Nations more than it needs one today. We therefore need a strong Human Rights Council, just as we need to achieve strong results in the other areas of Summit follow-up and reform with which our leaders entrusted us.

On development, we must now do all we can to ensure that the commitments of 2005 are implemented in 2006. If we are to achieve the Millennium Development Goals by 2015, there is no time to lose. There is no time to lose. The cost of failure to implement our commitments on development will be measured in lives lost or blighted by poverty, disease and the lack of opportunity. In order to deliver, we must ensure that our Organization is as strong and as effective as possible. We need to finish our work on this draft resolution on the Human Rights Council so that we have the time, energy and political space to address development, Secretariat and management reform and the other important tasks ahead of us.

There are a few aspects of the text that merit highlighting today. The draft resolution would make universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation guiding principles of the work of the Council. It recognizes that the promotion and protection of human rights should be based on cooperation and dialogue and should aim at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings.

Acknowledging the mistrust and tensions that are so evident in today's world, the language of the draft resolution also sends a strong and uniting message about the need for dialogue and understanding among civilizations, cultures and religions — a clear signal to us all to commit to working together to prevent provocative or regrettable incidents and to evolve better ways of promoting tolerance and respect for, and freedom of, religion and belief. It will be important that the relevant organs of the United Nations, including the Human Rights Council and the General Assembly, make positive contributions in that respect and promote much-needed dialogue on those important and sensitive issues.

The draft resolution recognizes six decades of valuable work undertaken by the Commission on Human Rights and its commendable record of establishing norms and setting standards. It acknowledges the important role of non-governmental organizations in the promotion and protection of human rights at the national, regional and international levels, which the Commission has done so much to encourage.

But the draft also responds to the criticisms of the Commission. It includes a number of innovative elements that will make the Council a significant improvement over the Commission on Human Rights. For example, the draft resolution before us would replace the Commission with a Council, elevating its institutional standing to a subsidiary body of the General Assembly. It would increase the frequency of meetings throughout the year, as well as establish an efficient mechanism to convene special sessions.

It would introduce the universal periodic review as a mechanism whereby each State's fulfilment of its human rights obligations would be assessed. Such a mechanism would ensure equal treatment with respect to all Member States and would prevent double standards and selectivity.

It would incorporate within the Council's mandate the mainstreaming of human rights in the United Nations system and the prevention of human rights violations.

It would distribute seats in accordance with equitable geographical representation.

It would make Council members ineligible for immediate re-election after two consecutive terms, thereby ensuring rotation.

Members of the Council would be elected by the majority of the members of the General Assembly, in other words by an absolute majority. Each candidate would be voted on individually and directly and would have to obtain at least 96 votes of support in a secret ballot.

Member States — when electing members to the Council — would take into account the candidates' contribution to the promotion and protection of human rights and their voluntary pledges and commitments made thereto prior to the election.

The General Assembly, by a two-thirds majority of members present and voting, could suspend the rights of membership of a Council member that commits gross and systematic violations of human rights.

Members of the Council would be expected to uphold the highest standards in the promotion and protection of human rights, fully cooperate with the Council and be reviewed under the universal periodic review mechanism during their term of membership.

The draft resolution represents a unique opportunity for a fresh start for human rights. The adoption of the draft would be the first step in a continued process. The Council would be expected to assume, review and, where necessary, improve and rationalize all mandates, mechanisms, functions and responsibilities of the Commission of Human Rights within one year of its first session. Within the same time frame, the Council would also develop the modalities and necessary time allocation for the universal periodic review mechanism.

The General Assembly would review the status of the Council within five years. The Council would also review its work and functioning five years after its establishment and report to the General Assembly. Let us also recall that the Council would submit an annual report to the General Assembly.

Today, we stand ready to witness a new beginning for the promotion and protection of human rights. By adopting the draft resolution, we would establish a body which would be based on dialogue and cooperation and would be principled, effective and fair; a body whose members would uphold the highest standards in the promotion and protection of human rights; and a body that would advance the founding principles that were initiated by the General Assembly with the Universal Declaration of Human Rights.

The establishment of the Human Rights Council is a decision whose time has come. Many representatives have told me in recent days and weeks of the importance they attach to the prompt adoption of the text as it is. I therefore propose that the General Assembly today move to adopt the text of the draft resolution as a whole.

Very many representatives have made contributions to the draft resolution, from both the national and international perspectives, over the last five months. It is the result of our common endeavours and our common aspirations for the Organization. No one part can now be added or subtracted in isolation without jeopardizing its balance, strength and workability. It is a draft resolution whose sum is greater than its parts. It is my hope that the Member States will now be ready to adopt the draft resolution in its entirety in the interest of human rights.

We shall now proceed to consider draft resolution A/60/L.48.

Before giving the floor to speakers in explanation of vote before the voting, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

I now call on those representatives who wish to explain their votes before the voting.

Mr. Malmierca Díaz (Cuba) (*spoke in Spanish*): I wish to clarify one thing before I begin my statement. I understand that one delegation has requested a recorded vote on today's draft resolution. Is that the case?

The President: The delegation of the United States has asked for a recorded vote.

Mr. Malmierca Díaz (Cuba) (*spoke in Spanish*): I shall now speak in explanation of vote.

The decision to establish the Human Rights Council was adopted out of the urgent need to put an end to the profound discredit into which the Commission on Human Rights had fallen as a result of the political manipulation, hypocrisy and double standards imposed on its work by the United States and the European Union.

The draft submitted today to the General Assembly is by no means a response to the challenge that brought us together. Nothing in that text will prevent the repetition in the new Council of the traditional manoeuvres engaged in by the Powers of the North to unjustly condemn the countries of the third world.

We were hoping for the establishment of a Council that would contribute to the strengthening of the international system to promote and protect human rights through genuine cooperation. However, the United States and its allies insist on ensuring that the punitive and sanctions approach will prevail, now exacerbated by the capacity to suspend the rights of those who question, interfere or simply disagree with the empire's designs of hegemonic domination.

In the months that have elapsed during this process, we have watched with indignation as the United States and its allies have exerted heavy pressure and resorted to their traditional blackmail to break the resistance to that new plot. The text to be adopted does not represent, as many would have us believe, a balance in negotiating positions. It is a negative reflection of the dangerous unipolar world that the Bush administration is trying to legitimize — a world submitted to the force of power, in which reason and justice would have no value.

We have never been deceived by the strident objections of Washington's representatives. The fact that the United States has requested a vote on the text today does not mean that it was not conceived and negotiated behind the scenes in order to accommodate that country's principal demands, sacrificing the vital interests of the countries of the South.

The attacks by the current United States administration on the text being adopted today demonstrate its arrogance. It loses nothing with this draft; on the contrary, it has secured new ways of fomenting confrontation, hatred and punishment, and by protesting today it merely intends to extract further concessions. This means that, no matter how much its interests are satisfied, the super-Power always wants more in its craving for hegemony and domination.

Draft resolution A/60/L.48 has serious omissions and it includes elements that do not reflect the positions expressed throughout the process by the majority of Member States. Cuba therefore reaffirms its serious reservations to its content. The draft resolution being adopted today reduces the number of members relative to the Commission on Human Rights, to the detriment of the representativity of the body. If human rights are universal and are everybody's responsibility, why should the decision-making mechanism on these issues be limited? In fact, did not the High-level Panel recommend that, on these grounds, the new body should be one of universal membership?

The draft resolution endorses a suspension clause pertaining to Council members that could be activated with the support of two thirds of those present and voting, without establishing a minimum number of required votes. A country elected with the support of more than 96 States could have its rights suspended by the will of a lesser number of countries. We peoples of the South, besides continuing to be the target of unjust condemnatory resolutions, will in the future be subjected to the latent danger of being deprived of our access — won by election — to that body.

There is no limit to the pernicious and useful practice of imposing politically motivated resolutions on the countries of the South, without subjection to or respect for any criterion. The right to development — the main demand of the great majorities on the planet — has become a thing of the past. The struggle against racism, racial discrimination, xenophobia and related forms of intolerance has been negligently deleted.

A Council with these features will not only allow the United States and its allies to have a strengthened tribunal of inquisition against the peoples of the South; it will also ensure them the impunity they already enjoyed in the Commission on Human Rights.

Will it be possible in the new Council to adopt a resolution demanding that the United States be accountable and assume responsibility for torture and other serious human rights violations perpetrated in the illegal United States naval base of Guantánamo, in Abu Ghraib prison or on flights and in secret detention centres operated in Europe by the Central Intelligence Agency? The current United States Administration is seeking to impose its spurious interests in the current reform and redesign process of the international system that the United Nations represents. Those who mistakenly believe that a policy of appeasement and systematic concessions would allow us to gain time and sate the appetite of the neo-conservatives who have

taken power in the White House should study the experiences of the past and weigh the lessons learned from those cases in which the international community has tolerated, in a conciliatory and negligent manner, the aggressive actions of a Power with hegemonic aspirations. Cuba is doing its duty by denouncing these facts.

Notwithstanding its serious reservations, and taking into account, above all, the requests it has recently received from friendly delegations, Cuba will vote in favour of draft resolution A/60/L.48 and will work in the Human Rights Council to maintain justice, international law, genuine dialogue and the very necessary international cooperation to protect and promote all human rights for all peoples and all individuals.

The President: I now give the floor to the representative of the Bolivarian Republic of Venezuela.

Mr. Toro Jiménez (Bolivarian Republic of Venezuela) (*spoke in Spanish*): Our Republic, through our delegation, wishes to place our position on record before the vote.

First, we wish to note that we have serious doubts about the interest that the United States allegedly has in not having this draft resolution adopted. Secondly, we would like to announce that we are not going to vote against the draft, because we do not wish to be part of the United States group on this. Thirdly, we shall not be voting in favour, either, because we have grave objections to endorsing various preambular and operative paragraphs. Therefore, we are going to abstain in the vote.

As we have said, there are certain paragraphs that we find objectionable, and we have maintained that position unscathed throughout the negotiations.

We have express reservation with regard to the first preambular paragraph, where the expression "humanitarian character" remains, which implicitly makes it possible to find pretexts to intervene in the internal affairs of States.

Secondly, we have express reservations on the eleventh preambular paragraph, which refers to the activities of non-governmental organizations, and accordingly we express reservation on this issue as a whole.

Thirdly, we have reservations on operative paragraphs 1 and 2, and on paragraphs 3, 4, and subparagraphs (e) and (f) of paragraph 5. With regard to paragraph 6, we believe that implicit therein — this is how we interpret it — is the prerequisite that those interested should exhaust the internal resources anticipated in the legislation of the respective States. We have this same reservation concerning paragraph 7, and on paragraph 8, which retains the use of criteria to limit States' participation on an equal footing. We also have reservations on paragraphs 9 and 10.

I return to the preambular paragraphs. Regarding the second preambular paragraph, we interpret this as meaning that necessarily implicit in the draft resolution is a specific reference to the right to development.

Lastly, I wish to make a statement — not a reservation — concerning operative paragraph 14. Here we would reaffirm our position that those States that have not yet completed their term in the Commission on Human Rights should continue as the first members of the new body that has been created.

In short, this is our position. However, we wish to place on record what our delegation means by "reservation". We have already set out the paragraphs, one by one, about which we have reservations. We do not understand "reservation" as criticism; by "reservation" we mean that these paragraphs are not obligatory, they are not binding on the Bolivarian Republic of Venezuela. In other words, they have no political or legal effect as far as we are concerned.

The President: A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana,

Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Palau, United States of America.

Abstaining:

Belarus, Iran (Islamic Republic of), Venezuela (Bolivarian Republic of).

Draft resolution A/60/L.48 was adopted by 170 votes to 4, with 3 abstentions (resolution 60/251).

[Subsequently the delegations of Georgia and Nauru informed the Secretariat that they had intended to vote in favour.]

The President: I shall now call on those representatives who wish to speak in explanation of vote on the resolution just adopted. May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Bolton (United States of America): Since the creation of the United Nations in 1945, the United States has been one of the strongest proponents for its meaningful engagement on human rights issues. Eleanor Roosevelt, the United States delegate to the first United Nations Commission on Human Rights, was one of the driving forces in the drafting of the Universal Declaration of Human Rights. The United States has been in the forefront of human rights and democracy promotion, both in our own nation and around the world.

The United Nations was founded on the principle that nations must cooperate with one another to help alleviate human suffering. In coming years we will be judged on whether we created United Nations human rights machinery that was effective and strong. We must determine whether the United Nations Human Rights Council will be a body that the world will respect and take seriously — a status no longer characteristic of the United Nations Commission on Human Rights.

Secretary-General Kofi Annan established ambitious but appropriate goals for the effort to reform the Commission on Human Rights. Although all of us recognized that the Commission on Human Rights needed to be changed, it was the Secretary-General who framed the discussion by saying,

> "the Commission's capacity to perform its tasks has been increasingly undermined by its declining credibility and professionalism ... which casts a shadow on the reputation of the United Nations system as a whole." *(A/59/2005, para. 182)*

To help the Member States move forward, he made a number of proposals to improve the body, as did the United States and other Member States.

We appreciate General Assembly President Jan Eliasson's efforts to create an effective human rights body, as well as the efforts of Ambassadors Kumalo and Arias. Through their leadership some of these goals were achieved with this text, and there are provisions that make improvements over the existing Commission on Human Rights. However, on too many issues, the current text is not sufficiently improved.

In focusing on the membership of the body, the United States was in excellent company. The

Secretary-General had targeted this as the fundamental problem with the Commission noting, that "States have sought membership of the Commission not to strengthen human rights but to protect themselves against criticism or to criticize others." (Ibid.) We strongly agreed with the Secretary-General, and our pre-eminent concern was always about the credibility of the body's membership.

The Secretary-General also proposed a strong tool to fix this. He proposed that the Council elect its members by a two-thirds majority. That proposal is not included in the resolution, and it should be. The higher hurdle for membership would have made it harder for countries that are not demonstrably committed to human rights to win seats on the Council. It would have helped to prevent the election of countries that only seek to undermine the new body from within.

The United States also proposed an exclusionary criterion to keep gross abusers of human rights off the Council. That proposal would have excluded Member States against which measures are in effect under Chapter VII of the United Nations Charter related to human abuses or acts of terrorism. We also expressed a willingness to consider alternatives to satisfy the need for a strong mechanism to exclude the worst human rights violators.

Sadly, those suggestions were not included in the new text. The resolution merely requires Member States to "take into account" a candidate's human rights record when voting, and the provision for the General Assembly to suspend an elected member of the Council requires a two-thirds majority vote — a standard higher than that for electing members.

Our position on the need for a strong, credible membership is one of principle, and one we know that others here today share. We extend our appreciation to those Member States that agreed with our assertion that there should be no place on the new Council for countries where there is objective evidence of systematic and gross violations of human rights, or where United Nations sanctions have been applied for human rights violations. Some Member States have signed letters and plan to make statements to that effect. Although those commitments could not ultimately change our position on the draft resolution, they represent a welcome and appropriate effort on behalf of many dedicated Member States.

But the United States believes we can and should do much more. We had an historic opportunity to create a primary human rights organ in the United Nations poised to help those most in need and offer a hand to Governments to build what the Charter called "fundamental freedoms". The Council that is created will be our legacy. We must not let victims of human rights abuses throughout the world think that United Nations Member States were willing to settle for "good enough". We must not let history remember us as the architects of a Council that was a compromise and merely the best that we could do, rather than one that ensured that we would do all that we could do to promote human rights.

Absent stronger mechanisms for maintaining credible membership, the United States could not join the consensus on the resolution. We did not have sufficient confidence in this text to be able to say that the Human Rights Council will be better than its predecessor. That said, the United States will work cooperatively with other Member States to make the Council as strong and effective as it can be. We will be supportive of efforts to strengthen the Council, and we look forward to a serious review of its structure and work. We remain committed to supporting the historic mission of the United Nations to promote and protect the basic rights of all of the world's citizens.

The real test will be the quality of membership that emerges on the Council, and whether it takes effective action to address cases of serious human rights abuse like the Sudan, Cuba, Iran, Zimbabwe, Belarus and Burma. As always, our commitment to support all United Nations institutions that advance democracy and human rights remains a high priority, as does our commitment to ongoing reform efforts throughout the United Nations system.

We could exercise our right of reply with regard to what Cuba and Venezuela have just said — but, on the other hand, why bother?

Mr. Berruga (Mexico) (*spoke in Spanish*): This is a day of special importance for the United Nations. The establishment of the Human Rights Council represents the most significant advance and update of multilateral endeavours to promote human rights in recent decades. This decision of the General Assembly consolidates the importance of human rights as one of the three main pillars underpinning the collective action of the international community today.

As agreed by our leaders at the 2005 world summit, the promotion of human rights constitutes the firmest foundation upon which to achieve the security and well-being that our peoples need. A peaceful, prosperous and democratic world will be achieved only to the extent that its inhabitants are guaranteed the basic conditions in which fully to exercise their human rights.

The strengthening of the United Nations machinery in this area became a vital objective as a result of the loss of efficiency and credibility of the Commission on Human Rights. For that reason, the main challenge of the reform effort was to ensure that the new Council would be a substantially better mechanism than the old Commission. This objective has been achieved.

The negotiating process that has come to an end today provides a clear picture of the multiplicity of perceptions that exist in the world on this complex issue. The resolution reflects not an ideal world, but the world that exists. In this regard, we can affirm today that there is a clear divide between those who regard human rights as the best way to promote dignity and larger freedom and those who see them as an inconvenient obligation, or one that is hard to comply with in the face of certain customs, ideological postures or ways of exercising public power. The next challenge for the international community, therefore, which will be faced in the new Council, will be to close that gap so as to achieve the universality and effective promotion of human rights.

In practice, the Council will have to put an end to flaws and distortions that had become the currency of the Commission, in particular the application of double standards, selectivity and the failure to apply its recommendations and resolutions on the ground. Mexico believes that the new Council is significantly better in the following ways.

It raises the standing of human rights within the Organization's structure. In the election of it membership, it establishes the requirement of maintaining high standards of respect for and commitment to human rights, which must to be met by those States that wish to become members of the Council. This means that candidatures will be appraised on the basis of the merits of each State. Dialogue and cooperation are the primary guidelines of the work of the Council so as to enhance the capacity of States to fulfil their obligations and meet international human rights standards. The Council now includes an effective mechanism to request the General Assembly to suspend the rights of members that gravely and systematically violate human rights. There is no doubt that one of the Council's major assets is the mechanism for a universal periodical review, which will provide more refined evaluation parameters while extending greater assistance to States requesting help in meeting their obligations.

It is for those reasons that Mexico supports the creation of the new Council. We welcome the decisive step taken today by the international community.

Human rights comprise one of the fundamental themes of my country's foreign policy. Accordingly, and in the founding spirit of this mechanism, the Government of Mexico has decided to adopt a policy of refraining from exchanging votes on candidatures in the election of the members of the Human Rights Council. The purpose of that step is to resolutely direct Mexico's support towards candidates who, as set out in the resolution, possess the most merit and demonstrate the highest level of commitment to, and observance of, the cause of human rights. Moreover, Mexico will refrain from disclosing its voting intentions in advance, in order to avoid the influence of factors other than human rights at the time of deciding whom to support. By adopting that policy, we hope to be able to preserve and promote the highest international standards in protecting the dignity of human beings.

Now that the Human Rights Council has been established, it is up to each of our Governments to put in place a Council that is up to the tasks required of the United Nations in this sensitive area. In that regard, Mexico would like to express its profound gratitude to the President of the General Assembly for his good judgement and for introducing proposals that have garnered the widest possible consensus to create the new Human Rights Council. My delegation would also like to express its gratitude for his decisive leadership in guiding the process through extensive, open and always transparent negotiations.

In the light of that experience, Mexico reaffirms its belief that that type of negotiation is the most equitable and effective mechanism at the disposal of the General Assembly to carry the entire reform of the United Nations with the necessary support for

legitimacy and respect for the sovereign equality of States.

Mr. Pfanzelter (Austria): I have the honour and privilege to speak on behalf of the European Union (EU). The acceding countries of Bulgaria and Romania, the candidate countries of Croatia, Turkey and the Former Yugoslav Republic of Macedonia, the countries of the Stabilization and Association Process and the potential candidates of Albania, Bosnia and Herzegovina, and Serbia and Montenegro, as well as the Ukraine and the Republic of Moldova, align themselves with this statement. Due to a technical oversight, Turkey's name does not appear on the text that has just been circulated, but it will appear in the final written version.

The European Union welcomes the adoption of the resolution on the establishment of the Human Rights Council. Above all, we commend you, Mr. President, and your two Co-Chairmen — Ambassador Kumalo of South Africa and Ambassador Arias of Panama — for your tireless efforts and boundless dedication in bringing our long process of consultations to a successful conclusion. We all know how difficult your task has been. You deserve our gratitude, respect and recognition.

We also wish to thank the Secretary-General and the High Commissioner for Human Rights. They have been instrumental not only in starting this process of reform but also in helping to get the resolution adopted today. We regret that not all were able to support the resolution, but we hope that all delegations will be able to come together to make the Council work as an institution that is genuinely able to advance the cause of human rights.

The establishment of the Human Rights Council marks an important step in the implementation of commitments made by our heads of State and Government at last year's Summit. We have lived up to their resolve to create a Human Rights Council. We hope our decision today will also give new impetus to the continuing United Nations reform process and will contribute to strengthening the Organization's credibility and legitimacy.

From the outset, the European Union aimed for a Council that would be equipped with the status, mandate, structures and membership necessary to give human rights the central role foreseen by the Charter of the United Nations. We want an effective and efficient body covering all human rights for all. We expect the Council to make a genuine contribution to the promotion and protection of human rights and fundamental freedoms.

Of course, not everything that the European Union aimed for is reflected in the resolution. However, in our view, it represents an improvement over the Commission on Human Rights, and we hope that it will further strengthen the human rights machinery of the United Nations. The strengthening of the Office of the High Commissioner for Human Rights has been a first important step in that regard.

The resolution contains several elements that will help to improve the credibility and effectiveness of the human rights system.

First, we have always argued for the Human Rights Council to be a standing body. The fact that the Council will meet regularly throughout the year allows for ongoing and constructive engagement on human rights questions. There is a new and more efficient mechanism for convening special sessions. These factors, together with additional time for a universal review, will enable the United Nations to devote more time to human rights than before.

Secondly, the composition of the Council and the quality of its membership will clearly have an impact on the Council's functioning and the credibility of its work. While recognizing that Council membership is open to all Member States, it is also the responsibility of all of us to elect the candidates who are qualified to fulfil the mandate of promoting and protecting human rights. The European Union takes that responsibility very seriously. Each member State of the European Union, and the countries that have aligned themselves with the Union, commit themselves not to vote their vote for a candidate that is under sanctions imposed by the Security Council for human-rights-related reasons. It is our view that no State guilty of gross and systematic violations of human rights should serve on the Council. The EU therefore welcomes the possibility given to the General Assembly to suspend, by a two-thirds majority of the members present and voting, the rights of membership in the Human Rights Council of a member of the Council that commits gross and systematic violations of human rights.

Thirdly, we welcome the new provisions for direct individual election by secret ballot by the absolute majority of the General Assembly. That means

that to be elected, a candidate needs at least 96 affirmative votes. It also excludes endorsement of candidates by acclamation. Although the European Union would have preferred a requirement of a two-thirds majority, we consider this still to be an improvement over the Commission on Human Rights. In order to permit States' proper assessment of candidatures, the European Union member States will present their candidatures in writing at least 30 days prior to the elections, including their commitments and pledges with regard to human rights. We encourage others to do likewise.

Fourth, other quality elements for membership in the Council are also important for the European Union. All members of the Council will have to fully cooperate with the Council. We also welcome the provision stating that members of the Council shall be reviewed under the universal periodic review mechanism during their term of membership.

Fifth, the European Union recognizes the enhanced status of the Council as a subsidiary body of the General Assembly. The review of the status within the next five years will offer the opportunity to assess the Council's work and whether it should be elevated into a principal organ of the United Nations.

Sixth, the Council's mandate provides a solid basis for the promotion and protection of human rights and fundamental freedoms for all. It will provide guidance and assistance to all countries to achieve the highest standards of human rights protection through dialogue, cooperation and capacity-building. It has the responsibility for contributing to the prevention of human rights violations and for responding promptly to human rights emergencies. The Council will also address situations of violations of human rights, including gross and systematic violations of human rights, and make recommendations thereon. The European Union will make every effort to ensure that the Council will be able to fulfil its mandate responsibly.

Seventh, the European Union also places importance on the Council's mandate to promote effective coordination and mainstreaming of human rights within the United Nations system and to make recommendations to all relevant bodies with regard to the promotion and protection of human rights.

Eighth, all States have the primary responsibility to promote and protect human rights. The universal periodic review is a novelty that will submit all of us, beginning with the members of the Council, to special scrutiny. There will be no exceptions. The details remain to be developed by the Council itself. For the European Union, it is essential that the review have the possibility of further follow-up, as appropriate. In order to avoid this procedure's overburdening the agenda of the Council, the time allocated for the review will have to be in addition to the current provision of no less than three meetings of no less than 10 weeks per year. That will permit the Human Rights Council to focus on all relevant issues.

Ninth, the European Union has always argued for maintaining and building on the strengths of the Commission on Human Rights. The participation of non-governmental organizations will be an important element in the deliberations of the Council and will have a positive impact on its functioning, as is currently the case for the Commission on Human Rights. Therefore, the retention of their participation according to the rules and practices of the Commission is welcome. It is important that their participation be further strengthened over time.

Tenth, we have always placed great importance on the system of special procedures and welcome the fact that it will be maintained under the Human Rights Council. In the context of the review, we will strive to improve and strengthen the system.

We have taken an important decision today and the groundwork — as you have rightly pointed out, Sir — has been laid for a fresh start. The Commission on Human Rights that will be replaced has been exposed to lots of criticism in recent months. With some of it the European Union agrees; with some of it we do not. But it is worthwhile recalling — and here we all agree — the historic achievements of the Commission on Human Rights in the field of norm-development and standard-setting, starting with the development of the Universal Declaration of Human Rights. The Council will continue to play an important role in that regard.

The Human Rights Council inherits a solid foundation of human rights instruments. The task will be to translate those norms into tangible improvements of the situation of human rights on the ground. If we cannot achieve that, the Council will not be the relevant body that we want it to be. We have to make good use of all instruments at our disposal, including

dialogue and cooperation. Our common wish for enhanced dialogue will also lead to greater understanding and tolerance among all civilizations, cultures and religions. It is up to the Member States, in particular those that will serve on the Council, to live up to those expectations. Let us not forget the reality set out so clearly by the Secretary-General. We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights.

Mr. Maurer (Switzerland) (*spoke in French*): Switzerland wholeheartedly voted in favour of resolution 60/251 for the following reasons.

First, the resolution represents a good compromise and strikes a fair balance between widely divergent perspectives and ambitions. It also represents a new commitment on the part of Member States to promoting universal human rights. We recognize that, for a large majority of the United Nations membership, the right to development is of particular importance. We are committed to promoting all human rights everywhere and without distinction.

Second, the resolution establishes the Human Rights Council in Geneva, which is of great importance to my delegation. We reiterate our readiness to provide delegations with the best possible working environment in Geneva.

Third, the resolution strengthens the United Nations human rights machinery by ensuring, inter alia, more frequent sessions throughout the year and a universal periodic review mechanism.

Fourth, the resolution outlines a new approach to human rights. We commit ourselves to the implementation of all human rights through cooperation, support of national protection systems and the adoption of a cooperative over a confrontational approach.

Fifth, the resolution creates a new institution with greater legitimacy. Members are not only more carefully selected, but must also cooperate with the Council and undertake voluntary commitments. The General Assembly would receive a referral in the event of a serious problem.

Sixth, the resolution creates a framework for a fresh start and for exploring new forms of engagement. This is an opportunity to build new trust by addressing human rights in a spirit of honesty, equal treatment and the avoidance of double standards. It is our sincere hope that we will not revert to old patterns of behaviour.

Seventh, the resolution provides a good basis for concrete and effective country-specific work. Dialogue with the Governments concerned is critical in that regard.

Eighth, the resolution strikes an appropriate balance between the imperatives of effectiveness and inclusiveness. The Council must be inclusive in terms of membership, but in the most serious incidences of human rights violations the international community must be able to act. Its failure to do so would hamper the Council's legitimacy.

Lastly, the resolution builds on the positive achievements of the Commission on Human Rights and sets a timetable to review and improve the United Nations human rights machinery.

It is now up to the Council and all Member States to engage enthusiastically in future review efforts that could lead to strengthened United Nations machinery for the protection and promotion of human rights.

Clearly, not all of our ambitions are being fulfilled in this resolution. But considerable progress has been achieved, while still maintaining a good balance between views that at times are irreconcilable. We do not share the hard-line approaches of some who try to make us believe that they are the only ones fighting for ambitious human rights machinery. All too often too high ambitions are coverups for less noble aims and are oriented not at improving the United Nations but at weakening it. This cannot be our objective.

The adoption of the resolution constitutes an important strategic achievement for the overall United Nations reform process. Much remains to be done on the human rights reform agenda in the months ahead. To be truthful, change is a process, not an isolated event. My delegation hopes that we can engage constructively in this important process. The resolution foresees different reviews. Let us tackle them in a constructive and open spirit, and let us not get bogged down in political squabbles.

Lastly, Mr. President, I would like to take this opportunity to thank you personally for your outstanding commitment, as well as that of Co-Chairs Kumalo and Arias, and all of those who committed

themselves to this draft, which is a new asset in United Nations multilateralism.

Mr. Løvald (Norway): Norway welcomes the adoption of this historic resolution. We join others in expressing our gratitude to you, Mr. President, and to our two Co-Chairs, Ambassador Kumalo from South Africa and Ambassador Arias from Panama, for the tireless efforts and dedication in bringing our long process of consultations to a successful conclusion. Our gratitude also goes to the Secretary-General for not only having initiated the reform process, but also for his continued support throughout the process in order to help get this resolution adopted.

We regret that this historic resolution could not be adopted without a vote. Human rights are universal rights. In order for the new Council to be truly effective in the protection and promotion of human rights, we need the support and strong engagement of all Member States. This is an obligation we all have to the victims of human rights violations.

While the text is weaker in certain parts than we would have hoped for, we recognize that many other countries could claim the same. The text is a result of a compromise and cannot be an ideal blueprint for anyone. The establishment of the Human Rights Council, however, presents a unique opportunity to start putting in place a reinvigorated system for the promotion and protection of human rights and fundamental freedoms around the world. We are confident that the new Council represents an important step towards strengthening the United Nations human rights machinery.

The text we have adopted sets standards for new member countries, who will be asked to make explicit commitments to promote and protect human rights. While recognizing that the membership of the Council is open to all Member States, it is our responsibility to elect candidates that are qualified to fulfil the mandate of promoting and protecting human rights. The commitment to respect and ensure those rights and freedoms will remain of utmost importance for Norway when considering candidates for the Council.

From the very beginning, we have supported the elevation of human rights throughout the United Nations system and the upgrading of the Commission on Human Rights to a standing Human Rights Council. This will reflect at the institutional level the centrality of human rights in the United Nations system, in line with security and development.

The text we just adopted will establish a Council with a clear mandate to address all human rights situations, a more frequent meeting schedule that allows it to react more effectively to urgent situations, and a new universal review mechanism to ensure that all countries' human rights records are addressed periodically. The text also preserves key strengths of the Commission, including its unique system of special procedures and its practices of participation by non-governmental organizations.

Our heads of State and Government resolved at the summit in 2005 to further strengthen the United Nations machinery. As part of the fulfilment of this commitment, we agreed to revitalize the Office of the High Commissioner for Human Rights. We have now taken another important step and must now show the political will to make the Council an effective human rights body. To this end, we find it essential that outstanding questions about the modalities of the Council and its working methods are dealt with in an open and inclusive process.

The political will and commitment of the international community will be as important to making the new Council a better tool for meaningful promotion and protection of human rights as any changes in structure and working methods. The real test will be about implementing human rights standards.

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Mr. Muñoz (Chile) (*spoke in Spanish*): The Chilean delegation voted in favour of the resolution establishing the Human Rights Council. However, we feel it necessary to make some comments and clarifications for the record.

Protecting human beings lies at the heart of our interest in the Human Rights Council. We wish situations of violations of human rights not to occur in any part of the world, and if they do occur, we wish to be able to act in a timely fashion to stop them. In keeping with these principles, Chile took an active part in all phases of the negotiation of the resolution that we have just adopted, with the purpose of reforming and strengthening the machinery for the protection of all human rights — civil and political, social, economic and cultural — for all, without exclusion.

Chile advocates an institutional structure for the promotion and protection of human rights that is strong and efficient and that ultimately will save lives. Protecting human rights is a universal matter, because tomorrow the Governments of some of those who have resisted the creation of the Council could be overthrown, and then, in a reversal of circumstances, those in government today could become the dissidents of tomorrow and would then be those benefiting from a strong, non-discriminatory Human Rights Council that provides safeguards for all.

My country can cite the experience of special procedures that began precisely with the human rights situation in Chile. At that stage, at least, we can attest that prisoners were rescued and lives were saved, notwithstanding the fact that the special procedures may have grown out of all proportion and suffered from some distortions.

By voting in favour, Chile is not taking a stand against any country nor does it accept the use of human rights for political purposes. On this issue, Chile is aligned with no one except the cause of protecting human beings. We are motivated only by the determination to improve the system of promotion and protection of human rights.

We Chileans underwent a grim period of dictatorship, and today we are living in democracy, with a woman President who is acquainted with torture and exile, in a country that to a large extent is reconciled and is looking to the future without forgetting the past. That is why we have solidarity with the peoples who undergo grave and systematic human rights violations.

My country agrees with the contents of the resolution and is grateful for your personal efforts, Mr. President, and for those of the two Co-Chairmen who assisted you. However, the resolution adopted is far from ideal. We would have preferred that the Council had been created from the outset as a principal organ of the Organization in order to send a signal more in keeping with the priority of human rights in the United Nations system. The election of the Council's members by a two-thirds majority would have strengthened their commitment to its new challenges and functions. Likewise, we were in favour of a more well-defined commitment by countries members of the Council with the highest standards of human rights protection, and we shall act accordingly when voting for Council candidates.

Moreover, the criterion of applied regional distribution could have been more consistent with the representativity of the Group of Latin American and Caribbean States in the Commission on Human Rights. This is a matter not only of numbers, but of profound political significance; it relates to our region's commitment to and historical experience in the area of human rights. Finally, we would have preferred a more structured reference to the participation of civil society in the Council, which represents humanity's conscience in the observance of human rights.

However, my country believes that we have achieved a balanced and positive document that represents enormous progress. It is now up to the Human Rights Council and its member States to meet the high expectations we have placed on it today and to build on its various positive elements so as to restore the centrality of the protection of the fundamental rights of human beings in the United Nations system.

Mr. Alsaidi (Yemen): I have the distinct honour to speak on behalf of the members of the Organization of the Islamic Conference (OIC).

Allow me at the outset to congratulate you, Mr. President, on your tireless efforts to advance the cause of human rights and the adoption of this resolution. I also take this opportunity to express the appreciation of the members of the OIC to the two Co-Chairmen, Ambassador Kumalo and Ambassador Arias, for their patience and their tireless efforts in that regard.

The members of the OIC are far from happy with this resolution on the Human Rights Council. We wanted it to contain unequivocal, unambiguous references, in both the preambular and the operative parts, to acts of incitement, hatred and religious intolerance. After all, we live in a world that seems to be rife with tensions between cultures. That is why it is essential that you yourself, Mr. President, take the lead in promoting dialogue with a view to agreed action by the General Assembly on this important and sensitive issue.

In any case, despite our unhappiness with the draft resolution, we opted not to take steps that might have led to its unravelling or blocked its adoption. Nevertheless, we remain hopeful that the international

community will recognize that incitement to hatred and religious bigotry, even when promoted under the rubric of freedom of speech, will be recognized and disdained for what it is.

Mr. Menon (Singapore): Voltaire once said, "Work keeps away those three great evils: boredom, vice and poverty". So perhaps we should be grateful that the discussions on the Human Rights Council have taken this long. But, as they say, all good things must come to an end. And many of us here are glad for it.

We have been at this for months. The fatigue in this Hall is palpable. We have had intense discussions. Delegations have fought for their positions, as well they should; we all have responsibilities to champion our national interests. Alas, that also led to sharp disagreements. Sometimes, they seemed pointed enough to derail the process.

Was it fortitude or obstinacy that made us persevere? It was certainly the deft and patient leadership of the Co-Chairmen that kept the process on track; I pay tribute to them. They then handed the baton to you, Mr. President, for the sprint to the finish. You have worked tirelessly to forge consensus and to put together what you call your best effort. Looking at the text, that is an apt description. It is also testament to the good faith and courage that most delegations have shown in accepting compromise.

I do not mean to suggest that the text is poor; it is not. It is balanced and realistic. The critical concerns of developing and developed countries have been met. The text establishes a Human Rights Council that is superior to what we have. Council members will be required to amass a significant threshold of support in a direct and secret election. Term limits will allow all Members — especially small States — to have the opportunity to serve. The Council will be more representative. Dialogue and cooperation are stressed; double standards are reduced. In short, this is a Council that will have legitimacy in its membership and in its decisions.

Will the text make everyone completely happy? Of course not, but that is a good thing. If any delegation got everything it wanted, that would be a capitulation, not a negotiation. And capitulations are anathema to enduring agreements.

Let me call for trust. Let us trust in the process that we have devised to ensure fairness and efficacy. Let us trust in the ability of Member States to make sound decisions. Let us trust in ourselves, that we have the courage to deal with this body constructively and through a prism that is broader than just national interests.

I stress this point because we often lose sight of it in the angst over the configuration of the Council. But this Council will not be judged on its structure; it will be judged by its results in promoting and protecting human rights. That is where our role as Member States is crucial. How we relate to the Council, how we cooperate, how realistic we are, how fair we are, how committed we are — all these will influence how successful the Council will be.

In that regard, it is important that we make the utmost efforts to avoid the mistakes of the past — mistakes that discredited the Commission on Human Rights. We should also be prepared to regularly review the working methods and functioning of the Council to make it more effective in the promotion and protection of human rights. The resolution already provides for that. In short, we should ensure that the Council is a living entity — one that is occasionally fine-tuned and overhauled. We should focus our energies on making the Council work, because that is where we will be judged by history.

So let us put aside our disagreements and dissatisfactions and move forward. We have all put much effort into this process. We all have a shared commitment to improve human rights. Let us get on with nurturing what we have created and ensuring its success.

Mr. Le Luong Minh (Viet Nam): Viet Nam has been hoping for a human rights council with a larger membership — a human rights council that is able to make a better contribution to the promotion and protection of the realization of the right to development, which is of paramount importance to all countries and peoples, especially the developing countries and their peoples. Viet Nam has been hoping for a human rights council less likely to become politicized when it has to deal with the issue of the suspension of membership rights and with country-specific situations.

Other Member States, in their own ways, may have also been hoping for a different human rights council. Given the differing views of Member States on what a human rights council should be, Viet Nam

considers the draft resolution presented by the President a balanced compromise text. We greatly value and commend your efforts, Mr. President.

Our support for the resolution just adopted proceeds from and reflects the consistent policy of the Government of Viet Nam, striving together with the international community to improve the promotion and protection of human rights for all of the peoples of the world on the basis of respect for the national independence, sovereignty and territorial integrity of their own countries.

We request and hope that the resolution will be implemented in a balanced and fair manner, thus leading to the creation of a Human Rights Council free from politically motivated acts — a Human Rights Council truly able to carry out its mandate in contributing to the promotion and protection of human rights of the peoples of the world.

Mr. Maqungo (South Africa): I have the honour to speak on behalf of the African Group.

We welcome the adoption of the resolution establishing the Human Rights Council, as was envisioned by the heads of State and Government at the 2005 world summit. We congratulate you, Mr. President, and the facilitators, on the tremendous efforts made in that regard.

The African Group believes that the resolution is of great importance, not only for the African continent, but also for all the peoples of the world. It reaffirms basic human rights and fundamental freedoms and places an equal emphasis on all human rights — economic, social and cultural rights, as well as civil and political rights.

We note with satisfaction that the important elements of cooperation and dialogue have been incorporated into the text and, furthermore, that the text recognizes the importance of eliminating double standards and selectivity.

We acknowledge that the text is a product of long negotiations and that it is more progressive than earlier texts. However, there are some principles that the African Group holds dear that have not been included in the text. Those principles were espoused by the African heads of State, and they provided clear parameters for the establishment of a strong, effective and non-politicized human rights council. We articulated those principles during the consultation process, and they are now well known to all. I would like to reiterate just three elements of those principles — this does not constitute an exhaustive list.

The first relates to the frequency of meetings. We had hoped for a schedule of meetings conducive to the participation of all countries, including smaller countries, particularly the least developed States. It is our hope that efforts will be made to ensure that assistance is extended to the least developed countries and other developing countries to ensure their participation.

The second element is the number of members of the Human Rights Council. We had hoped for a larger number than that set out in the resolution that has been adopted in order to provide more opportunities for more States to participate.

The third element is development. We had hoped that a stronger development agenda would be articulated. However, you, Mr. President, have yourself stated so eloquently that the sum of the resolution is greater than it parts. Hence, while the text does not fully meet all of our concerns, we firmly believe that if its provisions were fully implemented in all of their aspects by all countries, in good faith, that would strengthen the promotion and protection of human rights internationally.

It is our expectation that at the review conference to take place in five years' time, there will be an opportunity to take into account the position of the African Group, to which we have just referred.

The African Group welcomes the adoption of the resolution. We therefore undertake to fully cooperate and work closely with the Council to ensure the promotion and protection of all human rights and fundamental freedoms, and we are committed to enhancing and improving the work of the newly established Human Rights Council.

The President: I think that it is very important that we follow this debate very closely. You are all present at the creation of the new Human Rights Council, and this is a time to listen to each other. I look forward to listening to the remaining speakers this afternoon.

The meeting was suspended at 1.10 p.m. and resumed at 3.10 p.m.

Mr. Manis (Sudan) (*spoke in Arabic*): At the outset, my delegation supports the statements made by the representatives of Yemen and South Africa on behalf of the Islamic and African Groups.

My delegation would like to thank you, Sir, and the two co-Chairs, Mr. Arias and Mr. Kumalo, for your efforts to ensure that the informal consultations on the creation of the Human Rights Council, as laid out in the outcome document of the world summit, have culminated in the adoption of the resolution. From the outset, Sudan participated open-mindedly in those consultations. We had hoped to ensure that consensus would be achieved through serious and constructive dialogue and collective effort, and that we would achieve the purposes and principles for which the United Nations was established more than 60 years ago — to ensure international cooperation, the maintenance of international peace and security, and good relations between nations.

The creation of the Human Rights Council, replacing the Commission on Human Rights, is just one part of the reform process under way comprehensively to re-evaluate the work of the Organization and to consider its advantages and achievements with reference to the objectives set out by "we, the peoples," when it was first established. Our aim is to revitalize the Organization, to fix the shortcomings and weaknesses that have been revealed throughout that time, and to identify the problems that have arisen on the international scene. We do so because, when the Organization was first created, it reflected the international scene as it existed after the Second World War. The contemporary scene, however, has been completely altered by new developments and realities.

In line with these guidelines, my delegation participated in all the consultation sessions on the Human Rights Council. We hope that the new Council will be based on international cooperation, providing a framework for addressing all human rights issues without discrimination or selectivity, while prioritizing economic, social, cultural, political and civil rights. It must also demonstrate respect for cultures, religions and differences, as well as the right to development, as an essential basis for achieving the aspirations of the peoples of the developing world so that they may live in dignity and freedom.

All reform processes require the broadest possible participation, democracy and representativity, with equal geographical representation in an international Organization that is altogether different from that which existed in the mid-twentieth century.

Throughout our discussions, we have had to take account of the significance of evaluating the experience of the existing Commission on Human Rights, its legacy and achievements, and the challenges it has faced. That has been necessary in order to lay sound foundations for the new Council, which will be able to address the difficult issues that the Commission has been unable to resolve. Through the basic principles, methodology, procedures, mandate and membership of the Council and the method by which its members are elected, our aim has been to avoid the shortcomings of the current Commission — its politicization, selectivity and double standards. All of those factors have had a negative impact on the Commission's work and made it a forum for confrontation and the settling of bilateral disputes. The Commission has been exploited to carry out certain political agendas and issues that are far removed from the promotion of human rights, to the extent that the Commission's work has come to infringe on national sovereignty, to inflame conflicts between civilizations and to address specific cases, leading to the selectivity with which we are all familiar.

Such violations have been ignored when perpetrated by the great Powers and large States, which have behaved as if they were above the law and had no responsibility towards the international community. On the other hand, the Commission's resolutions and judgements have been prepared for implementation the moment they have affected developing countries. The adoption of country-specific resolutions has increased the Commission's politicization. In our statements in the consultations and meetings with other delegations and various groups, those were the issues on which we focused. Our concerns were shared by many other States. They were forcefully argued and elaborated in order to illustrate our desire to reform the Commission while building on its achievements and overcoming its shortcomings.

The Sudan voted in favour on the resolution for the following reasons.

First, there is a need to ensure the broadest possible consensus on issues that form the subject of

major differences between the guidelines and the opinions of certain parties. The resolution does not fully reflect all the concerns and issues of many States, since it preserves certain characteristics of the Commission on Human Rights. For instance, operative paragraph 8 on the Council's membership contravenes Article 4 of the Charter, as the Council should be open to all Members without condition or criteria. The latter part of that paragraph is equally objectionable, as it supports the position of some isolated international Powers that claim to have a monopoly on truth, to enjoy absolute rights and to be empowered to distribute certificates of good behaviour and good conduct to their allies and friends.

Our delegation will strongly oppose any attempt to politicize the new Council, to render it toothless and to link it to the Security Council. That would be a clear violation of the very objectives of the reform and weaken the role of the General Assembly. We must not forget that the Council is a subsidiary of the General Assembly.

Secondly, we voted in favour of the resolution because we place considerable stock in its methodology, based on transparency, credibility and neutrality. You, Sir, and the two co-Chairs guided our lengthy consultations in that spirit. You carefully listened to all opinions and viewpoints in order to achieve the broadest possible consensus on this resolution. Your approach has been admirable.

Thirdly, despite our various reservations with respect to the resolution, we are totally convinced that reform is an ongoing process and that it does not end with the adoption of a resolution or with the creation of a body. Therefore, we voted in favour of the draft resolution in the hope that Member States will fulfil their responsibilities and ensure that the shortcomings inherent in the resolution that has been adopted today will be remedied.

We will strive to ensure that the new Council becomes a forum of cooperation and dialogue and of respect for religions, cultures and prophets; that the experience of the current Commission will not be repeated; and that we will not target developing or weak States while ignoring violations committed by major Powers.

I do not wish to reply to the representative of the United States of America for the following reason. All of the previous efforts made to remind him of the lessons drawn from the story of the naked Pharaoh were futile.

We do not need any lessons from the United States of America in the area of human rights. We hope that the representative of the United States will provide guarantees that Guantánamo and Abu Ghraib prisons and other detention centres are five-star luxury resorts.

Our message to all is that cooperation and dialogue are the best means of dealing with issues and topics relating to human rights in an objective and neutral manner, which, without a doubt, will enhance respect for human rights and fundamental freedoms and ensure dignity, security and peace and development for peoples.

Mr. D'Alotto (Argentina) (*spoke in Spanish*): The delegation of Argentina voted in favour of draft resolution A/60/L.48, which lays the groundwork for the functioning of the Human Rights Council, whose creation was decided on by our heads of State and Government at the summit held last September.

While the text could have contained certain elements of importance to my country and does not, such as giving the Council the standing of a principal organ of the United Nations, at the same level as the Security Council and the Economic and Social Council, the manner in which the discussions were held and the topics under consideration nonetheless led us to approve the creation of the new Council, despite the fact that efforts to accord it the standing of a principal organ were unsuccessful.

We also agreed that a two-thirds majority vote would be required for States to become members. However, that was not possible. Argentina consistently acted in a constructive spirit, seeking agreements and compromises and averting dissent. The objective was the establishment of the Human Rights Council; we support its creation and the work of Ambassadors Kumalo and Arias as facilitators.

The Human Rights Council replaces the Commission on Human Rights, which registered some major achievements. But Argentina itself was a witness to the Commission's shortcomings due to the political objectives of its members, resulting, for instance, in my country's never being condemned despite the terrible tragedy involving human rights violations that occurred 30 years ago.

We intend for the Human Rights Council to become a strong enough body to avert the recurrence of similar episodes anywhere on earth. Should these, unfortunately, occur once again, it could take an unequivocal stand against them, pressuring the Governments responsible to safeguard the fundamental rights of persons.

Argentina will strive to ensure that the Human Rights Council is a forum open to the claims not of States but of the victims of acts of suppression and the claims of all those who have been denied their rights under the Universal Declaration of Human Rights, regardless of where such acts took place. Cooperation among States must be to the benefit, not the detriment, of the victims.

Finally, we would like to congratulate you, Mr. President, on the work that you have done. We are proud to have you at the helm, and we are convinced that you will continue with the efforts you made towards the Council's creation — efforts made also by my delegation — so that we may continue to work to achieve reform in areas of the Organization requiring it, such as the development of, and changes in, the Economic and Social Council.

Mr. Wenaweser (Liechtenstein): This morning we witnessed a historic moment in United Nations reform. The establishment of the Human Rights Council fulfils one of the major promises made at the world summit and enables us to move forward with out overall reform efforts.

We are pleased to be part of the overwhelming majority of Member States which consider the Council a new and clear commitment to enhance the promotion and protection of human rights. We firmly believe that the Council constitutes a significant improvement over the Commission on Human Rights, although we share the dissatisfaction of many with some of its features. We would, for instance, have preferred a more flexible convening mechanism in order to allow for a case-specific dialogue with special procedures, treaty bodies and the High Commissioner for Human Rights. Also, we would have preferred a clear division of work between the Council and the Third Committee of the General Assembly, but we understand that that concern can be accommodated when the Council is set up in Geneva. Avoiding duplication of the work of the two bodies continues to be highly important to us.

The positive features of the Council are numerous and have been mentioned by previous speakers. I wish to emphasize at this point only three that will undoubtedly have significant long-term impact.

The new Council can meet regularly throughout the year and address human rights issues according to the need to do so, instead of according to a pre-set and inflexible schedule. There is genuine hope that that in itself will lead to human rights work that is genuinely based on dialogue and cooperation.

The Council is firmly based on the principles of cooperation and dialogue. While we hope that it will address situations of systematic and gross violations of human rights in a fair and determined manner, we strongly welcome the recognition of dialogue and cooperation as the groundwork in the vast and complex area of human rights.

Also, we have decided that no State should de facto be a permanent member of the new Council. That is a genuine reflection of the universality of human rights and an example to be followed in the future.

Public debate over the past few weeks has sharply focused on the question of the eligibility of States. While that almost exclusive focus on quality of membership led to a distorted picture, and that one element of a complex whole became bigger then the whole itself, quality of membership is clearly a key concern. Following the downsizing of the Council to 47 members, the question of who serves on it is now even more important than it was in the past. We will cast our vote at the first elections for the Council for those States that have a proven track record in the promotion and protection of human rights, both domestically and in their United Nations activities. In that respect, we will place particular emphasis on issues such as standing invitations extended to special procedures, full cooperation with them and with other mechanisms established by the Commission, as well as ratification of the core human rights instruments and the quality of reporting to the treaty bodies established by them.

We do not believe that a State that is domestically in violation of universally recognized human rights due to unwillingness, rather than inability, is likely to make the effective contribution to the global promotion and protection of human rights that we expect. We do agree that States that are under enforcement measures imposed by the Security Council for their human rights

records should not serve on the new Council for as long as those measures are in place.

The human rights discourse at the United Nations is, at its core, a political problem. Some of us believe that unequivocal statements about situations of gross and systematic violations of human rights are the mainstay of our work, while others believe that that approach is almost inevitably undermined by selectivity and double standards. That dispute will not go away, but the Council gives us the opportunity for the fresh start that was clearly needed. We hope that periodic review — one of the new features of the Council — will at least help address it. Stronger emphasis on the operational aspects of human rights work that directly benefit individuals worldwide will be of paramount importance.

Any institution and any United Nations body evolves over time and becomes something quite different from what it was conceived to be when it was founded. The examples are numerous: the United Nations as a whole, as the Secretary-General has made clear in several of his reports; the Security Council, which has evolved far beyond the mandate given to it by the founding fathers; and, in the area of human rights proper, the treaty bodies, which have expanded their field of activities very significantly since their inception. That will be even more the case for the Human Rights Council, since the text just adopted makes it clear that many of its features — among them crucial ones such as the special procedures and the periodic review — will be shaped by the Council itself. The Council is therefore not what it is. Rather, it will be what we will allow it to be and enable it to be through our collective political will.

Like you, Mr. President, we would have strongly preferred a consensual adoption of the resolution just passed. However, and more important, we firmly believe that it is crucial that all States committed to the promotion and protection of human rights engage with the newly created body and make sure it truly reflects the new approach our heads of State and Government decided on at the summit meeting in September.

Mr. Atieh (Syria) (*spoke in Arabic*): We would like to thank you, Mr. President, for convening this meeting, which is taking place following a series of intensive meetings and deliberations to discuss the best way to establish an important United Nations mechanism, namely, the Human Rights Council.

My delegation associates itself with the statement by the representative of Yemen on behalf of the Organization of the Islamic Conference.

The reform of the United Nations is rooted in our belief in the importance of strengthening the Organization and making it capable of dealing with the challenges of the twenty-first century. We look forward to comprehensive institutional reform that gives us all a sense of ownership of the Organization and of being parties to the reform process.

My delegation voted in favour of the resolution entitled "Human Rights Council", which was adopted this morning, as an expression of our firm belief that improving the work of the human rights machinery at the United Nations is vital to promoting and protecting all human rights, including the right to development. My delegation took part in all the deliberations and discussions that brought us to the adoption of the resolution on the establishment of the Council. We cooperated with a positive and flexible spirit in order to achieve the minimum we had aspired to for this new mechanism. We had hoped that others would have demonstrated the same flexibility on a number of important subjects. The text we adopted today needed further improvement in order to be more balanced. However, now that the Council has become a reality, we would like to emphasize several points that the Council must take into consideration as it discharges the mandate entrusted to it.

First, the new Council needs to avoid politicization, selectivity and double standards.

Secondly, it is important that the new Council not interfere in the internal affairs of States and that it addresses cases of human rights violations in situations of foreign occupation.

Thirdly, while the mandate and functions of the current Commission on Human Rights are transferred to the Human Rights Council, the former's agenda must also be transferred to the Council, in particular item 8 of that agenda, given its great importance. Israeli practices in the occupied Arab territories are discussed as part of that item. The Commission has annually adopted resolutions in that regard. Implementation of such resolutions must be followed up as an expression of our belief that foreign occupation is a gross violation of human rights.

Fourthly, there is a need to ensure transparency in the Council's work and that no draft resolutions regarding certain States are introduced for political reasons under the pretext of protecting human rights.

Fifthly, the Council must take measures to prevent any insults to religions and to encourage dialogue between civilizations and religious tolerance.

Sixthly, pledges and commitments made to some parties in order to address their concerns that did not enjoy consensus must not be considered — in any way, shape or form — as an alternative to the mechanisms provided for in the resolution.

Lastly, my delegation would like to reiterate its full cooperation to you, Mr. President, in promoting and protecting human rights through international cooperation and dialogue, and not for the purpose of achieving the narrow political interests of some parties.

Mr. Oshima (Japan): Japan welcomes the establishment of the Human Rights Council. We congratulate you, Mr. President, and your Co-Chairmen on that landmark achievement, and we thank you for your tireless efforts to bring it to fruition.

In order to create a truly effective human rights body, Japan proposed that the new Human Rights Council should be a principal organ, with its members elected by a two-thirds majority. My delegation regrets that those elements were not reflected in the final text. As you yourself admit, Mr. President, the text is not perfect. It does not satisfy everyone to the full, which is an impossibility. However, it does provide a good and viable basis upon which to strengthen the human rights machinery of the United Nations, machinery that is a clear and significant improvement over its predecessor. On that basis, Japan voted in favour of the resolution.

Member States now face a new task: to ensure that the newly established Human Rights Council will be a body that is effective and credible. To that end, the preparatory work to put the Council into operation will be of vital importance, and my delegation would like to appeal to all Member States to participate actively in that work.

During the course of preparation, Japan expects that practices and mechanisms will be established to enhance the credibility of the membership of the Human Rights Council. This could include, for example, the submission of a written pledge by candidates seeking membership in the Council well in advance of the election so that Member States could examine it and take it fully into account in casting their votes. Japan will also try to vigorously explore the possibilities of enhancing the credibility of the Human Rights Council as we discuss its new rules of procedure. In addition, we hope that the review of the Council's status within five years' time will commence at an earlier opportunity.

In elections of members of the Human Rights Council, Japan will give full consideration to the human rights situation and record of each candidate, in accordance with the language of the resolution. Like some Member States who have already made their intention clear, Japan will cast its votes for those candidates who are committed to and striving for the highest standards with regard to the protection and promotion of human rights. Japan will not vote for candidates that we believe are committing grave human rights violations, including those under the sanctions of the Security Council for reasons related to human rights.

Let us hope that today is a day of triumph in the history of the promotion of world human rights.

Mr. Denisov (Russian Federation) (*spoke in Russian*): The Russian Federation voted in favour of draft resolution A/60/L.48. We believe that the draft resolution, although far from perfect, is the outcome of an extremely difficult search for compromise, which is necessary to ensure that we establish the basis for qualitative improvement in the Organization's human rights efforts and that we eliminate any double standards, selectivity and politicization in that area.

We view this resolution as merely a basis, or starting point, for the activities of the new human rights body. Here, we should recall paragraph 100 of Annex V of the General Assembly's rules of procedure, which states that "new organs should be set up only after mature consideration".

We have already pointed out on many occasions and in various forums that many provisions in the draft resolution on the Human Rights Council are ambiguous and of doubtful value. That is particularly the case with operative paragraph 7, which states that membership on the Council shall be limited to two consecutive terms. This provision clearly contradicts the principle set out in the Charter concerning the universal membership of the Organization, according to which

each Member State can submit its candidacy for election to any body in the United Nations system. The Russian Federation will be guided by that principle during elections of candidates for the Human Rights Council and hopes that other States will establish their positions on Council candidatures on the basis of each specific situation and the nature of the candidate countries in question.

In addition, the resolution is not fully clear concerning Council membership, which "shall be open to all Member States of the United Nations" but, at the same time, is contingent on certain criteria. We hope that the Council itself — particularly when it is establishing its organizational and procedural relationship with the General Assembly — will correct the resolution's most ambiguous provisions to the extent possible.

Mr. Abdelaziz (Egypt): The delegation of Egypt voted in favour of draft resolution A/60/L.48, establishing the Human Rights Council, in a clear reaffirmation of our firm conviction that there is a need for a new and vibrant subsidiary body of the General Assembly to deal successfully and progressively with human rights issues on the basis of cooperation and dialogue. It is in that spirit that my delegation would like to explain its understanding of some of the provisions of the resolution.

First, the Human Rights Council is a subsidiary body of the General Assembly, and that institutional link must not be jeopardized. Hence, our interpretation is that the Human Rights Council should submit all its recommendations and resolutions to the General Assembly for consideration, in accordance with the rules of procedure applicable to that universal body.

Secondly, the Human Rights Council will uphold basic principles such as the sovereign equality of States, respect for their territorial integrity and the right to self-determination of peoples who remain under colonial domination and foreign occupation. The Council should work diligently to promote respect for and full application of those principles.

Thirdly, the Council, as it functions, should safeguard the fundamental obligation to respect the cultural, religious and social backgrounds of various peoples and societies. In that regard, we interpret the meaning of the term "highest standards" in operative paragraph 9 as those standards that have been internationally recognized and collectively agreed upon by all States.

Fourthly, the suspension of the rights of membership as stipulated in operative paragraph 8 — even though it is derived from Article 18, paragraph 2, of the Charter — should be an exceptional application to this body only and limited to cases of gross and systematic violations of human rights *stricto senso*. This case should not represent a precedent that would be a basis for the proliferation of such a practice in various United Nations bodies.

Fifthly, my delegation fully associates itself with the explanation of vote made by the representative of Yemen on behalf of the States members of the Organization of the Islamic Conference. Our understanding of the seventh preambular paragraph is that it entails the responsibility of States and international organizations in ensuring full respect for religions and prophets, and we stress the responsibility of the Human Rights Council and of the General Assembly to ensure that all States abide by their responsibilities in that regard.

I conclude by expressing to you, Mr. President, and to your Co-Chairmen our deep appreciation for your tireless efforts in a transparent and all-inclusive process, in sincere fulfilment of your mandate as set out in the outcome document (resolution 60/1).

Mr. Gillerman (Israel): On behalf of the Government of the State of Israel, I would like to express my sincere appreciation to you, Mr. President, for your efforts and stewardship in conducting these very sensitive and complicated deliberations on the establishment of an effective Human Rights Council. I would also like to commend Ambassadors Kumalo and Arias for their valuable contribution to that effort.

Half a century after the Commission on Human Rights was established, the Secretary-General courageously initiated a painful yet necessary process to substantively reform the United Nations system and address the existing failings in the Commission on Human Rights. His report and unequivocal recommendations provided a clear framework for understanding the major challenges and acute problems facing that body today. Foremost among those are the "declining credibility" and the "legitimacy deficit" of the Commission, which are keenly felt in my country and which have sadly become characteristic of that body in the eyes of the public at large.

Born out of the ruins and the ashes of the Second World War, the United Nations, with the Commission on Human Rights at its forefront, was intended to serve as a beacon of resolve and hope, to restore humanity to mankind and to safeguard the promise of "never again". The preamble of the Universal Declaration of Human Rights acknowledges its foundation in the barbarous acts which have outraged the conscience of mankind.

The Jewish people have a fundamental interest in the United Nations promise of protection of human rights and freedoms. For 3,000 years, the Jewish Bible has taught us that "thou shalt not ... favour the person of the mighty, but in righteousness shalt thou judge thy neighbour" and that "The stranger that sojourneth with you shall be unto you as the home-born among you, and thou shalt love him as thyself".

The Universal Declaration of Human Rights conveys similar thoughts:

> "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood" (*resolution 217 A (III), Article 1*).

> "Everyone is entitled to all the rights and freedoms set forth ... without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (*ibid., Article 2*).

Among its founding fathers and keenest advocates back in 1946, before the State of Israel was established, were prominent Jewish leaders and Nobel Prize winners, such as René Cassin, who helped build an edifice of values and morals. The United Nations vision was our vision.

Those are principles that the nation of Israel holds dear. It is therefore with profound regret that we have borne witness to the corruption of those ideals in the United Nations central human rights agency, the Commission on Human Rights, over many decades. Instead of equality, we got discrimination. Instead of tolerance, we experienced racism and exclusion. Instead of human dignity, we suffered the indignity of double standards applied only to the Jewish State.

Therefore, Israel has been closely involved in the negotiations in order to create a viable, professional and responsible Human Rights Council, which would renew public confidence in it and regain legitimacy and credibility.

Unfortunately, today's resolution falls significantly short of the objectives that will enable the Council to live up to those ideals. The resolution contains worrying omissions, including the absence of sufficient benchmarks for membership, which poses the danger that the new Council will not be a significant improvement over its predecessor.

Israel believes that the General Assembly should not allow those responsible for the failure of the Commission on Human Rights to lead the Council down the same road. Indeed, radical failure calls for radical change. That change, unfortunately, is not evident today.

Israel, along with others, had hoped to avoid voting on the resolution, which should ideally have been adopted by consensus. However, at this juncture in time, the resolution fails to address several fundamental issues of concern, as expressed in the letters circulated by various delegations and the explanations voiced here today. Consequently, Israel was regrettably compelled to vote against it.

As I conclude, with your permission, Sir, I would like to add a personal note. I feel I would be remiss if I did not express to you my admiration for the effort, energy and passion you have invested in the effort to assure the establishment of a credible and viable new Council. You have done so with impeccable integrity and remarkable honesty. We are sorry only that the end result fell short of enabling us to vote in favour of the final outcome.

Mr. Jenie (Indonesia): The Indonesia delegation voted in favour of the resolution, as we feel that it represents a fair and reasonable compromise, thanks, Sir, to your able and skilful leadership, with the assistance of your two able co-Chairs, Ambassador Arias of Panama and Ambassador Kumalo of South Africa.

The resolution does not fully meet our expectations or fully address our concerns, as it without doubt does not fully satisfy other Member States either. The resolution in its entirety, however, should provide a basis for better human rights machinery than the one it is replacing.

The resolution is the fruit of our collective efforts and therefore every one of us is responsible for making it a success in its implementation. Likewise, each and every Member State, big or small, rich or poor, developed or developing, has the same right to benefit from that human rights body when it starts operating, since no country is perfect in its performance in the field of human rights anyway. Consequently, we have to work together to ensure that the Council meets the different capacity-building needs and priorities of each Member State by taking fully into account the significance of national and regional particularities, as well as their various historical, cultural and religious backgrounds.

As our collective endeavour departed from our common desire to address the shortcomings of the Commission on Human Rights, it is only pertinent for my delegation to stress at this juncture that the work of the Council should be faithful to the principles we have agreed upon — universality, objectivity and non-selectivity in the consideration of human rights issues — by treating all human rights, including the right to development, in a fair and equal manner, as well as by eliminating double standards and politicization. It is my delegation's understanding, in the absence of explicit reference in the resolution to the Council's modalities for addressing country-specific situations, that those principles should also be fully applicable in that regard and reflected in its methods of work and rules of procedure.

My delegation also wishes to place on record its understanding with regard to the hierarchical position of the Council within the United Nations system and its relation to other United Nations bodies. Since it is a subsidiary body of the General Assembly, the Council submits recommendations on issues within the scope of its mandate to the General Assembly, and to other United Nations bodies only through its parent body.

Finally, my delegation wishes to refer to the seriousness of what has unfolded as the result of the recent publication and republication of blasphemous cartoons depicting the prophet Mohammed in various newspapers. In that regard, my delegation fully associates itself with the statement made by the Ambassador of Yemen on behalf of the countries of the Organization of the Islamic Conference. The mention of that issue in your statement, Mr. President, when you introduced the draft resolution earlier underscores the relevance of the work of the Council with regard to the issue. It is my delegation's understanding that one of the Council's tasks will be to undertake measures to prevent the recurrence of that unfortunate incident and to devise a strategy to better promote understanding and respect for the various religious and cultural values of all States and societies. Among other things, the purpose of that would be to ensure that freedom of expression is exercised in a responsible manner and within the confines of its limitations laid down by universally recognized international human rights law.

Mr. Yousfi (Algeria) (*spoke in French*): My delegation welcomes the adoption of resolution 60/251, establishing the Human Rights Council, as our heads of State and Government decided at the September 2005 World Summit. In voting in favour of the resolution, Algeria sought to reaffirm its commitment to the cause of all human rights, which are universal, interdependent and inalienable, as well as our attachment to the universal values and principles that underpin the Charter of the United Nations and multilateralism.

My delegation believes that we have adopted a balanced text, in that it contains elements that enable us progressively to achieve the goal of promoting and protecting human rights on the basis of an approach rooted in dialogue and cooperation that ensures the authority of the General Assembly. The Assembly, under which the Council has been established, is the most representative body. We believe that its rules of procedure will make it possible for the international community to achieve the requisite objectivity in this sensitive area, as well as to overcome the problems associated with the previous practice of politicization, selectivity and double standards and practices in the area of human rights.

There are a number of elements that our delegation, like several others, would have liked to see included in the resolution, in particular an explicit reference to the right of peoples under colonial rule or foreign occupation to self-determination.

We also associate ourselves with the statement made by the Ambassador of Yemen on behalf of the Organization of the Islamic Conference.

Our adherence to multilateralism has of course led us to accept compromises. Throughout the process of negotiation, Algeria held firmly to the necessary principle of compromise.

We would like to sincerely congratulate you, Mr. President, as well as the Co-Chairmen — Ambassador Arias of Panama and Ambassador Kumalo of South Africa — and the members of the President's Bureau, for sparing no effort to secure this important achievement. Lastly, Algeria stands ready to work with all Member States to attain the noble goals set out by the resolution.

Mr. Ariffi (Morocco) (*spoke in French*): My delegation voted in favour of draft resolution A/60/L.48 because we believe it to be a compromise text establishing a fragile balance between the sometimes divergent positions of the Member States.

My delegation associates itself with the statements made by South Africa and Yemen, respectively, on behalf of the African Group and the Organization of the Islamic Conference.

The resolution just adopted is the result of joint efforts by all States to strengthen the set of international instruments in the area of human rights and fundamental freedoms. It was also a response to the call made by heads of State and Government at the 2005 World Summit.

In that regard, I have the particular pleasure of warmly congratulating you, Mr. President, for your tireless efforts and sacrifices. I would also like to congratulate the facilitators and all the delegations that contributed to the achievement of these results.

The Kingdom of Morocco participated actively in both the negotiations on the Summit Outcome and on the resolution. We have always demonstrated our willingness to contribute to the establishment of the Human Rights Council. Throughout the entire process, we reaffirmed our belief that such a body would be an effective and appropriate framework to bolster international achievements in the area of human rights and to strengthen the international consensus in this area.

Moreover, Morocco has adhered to all the relevant instruments and conventions in this field. We firmly favoured the establishment of a Human Rights Council that is both effective and able to remedy previous actions of the Commission on Human Rights. We believe that truly strengthening the rule of law is the best guarantee for the sustainable development of individuals and societies as a whole.

It is in that spirit that the Government of the Kingdom of Morocco, inspired by the will to promote the observance of human rights and fundamental freedoms, would like to contribute to the attainment of the Council's goals. We will therefore stand as a candidate for the newly established Council. We count on the support of Member States devoted to the protection of human rights.

Mr. Westmoreland (Malaysia): We are certainly very pleased today that we have finally fulfilled the mandate given to us by our leaders at the 2005 World Summit. The resolution that we have just adopted, following several months of intense negotiation, provides a solid framework and sets in motion the process for the establishment of a new and improved human rights body that is credible and more objective and effective in the promotion and protection of human rights, based on cooperation and dialogue.

Malaysia also fully associates itself with the statement made by the representative of Yemen on behalf of the Organization of the Islamic Conference, regarding the need for dialogue and understanding among civilizations, cultures and religions for the promotion of tolerance and respect for, and freedom of, religion and belief.

Like many other delegations, we accept the reality that the resolution does not reflect all our concerns and wishes. We also recognize the fact that no country or group of countries got everything that it wanted in the resolution. With the many divergent views expressed and the various formulations presented for the establishment of the Human Rights Council during the discussions and negotiations over the past several months, we believe that the resolution has managed to strike a delicate balance and an acceptable compromise to our fundamental differences and positions. It is with that in mind that Malaysia voted in favour of the text.

We would like to commend you, Mr. President, as well as the two Co-Chairmen — Ambassador Kumalo of South Africa and Ambassador Arias of Panama — for this historic achievement, as well as for your tireless efforts and dedication, Mr. President, throughout the whole process, which you have conducted in a transparent, inclusive and open manner.

Mr. Hannesson (Iceland): Iceland has the following comments on the resolution on the

establishment of the Human Rights Council adopted earlier today.

The establishment of the Human Rights Council marks the fulfilment of one of the major tasks that the General Assembly was mandated to carry out by heads of State at the Summit in 2005. Recognizing that the establishment of the Council here today is the result of long and difficult negotiations, we believe it inevitable that compromises have had to be made. Indeed, I feel obliged to register disappointment at the fact that the final outcome does not match the ambitions in the clear and principled approach proposed by the Secretary-General in his original report.

Iceland supported the resolution because the alternative of falling back on the Commission is unacceptable and not in the interest of human rights. Despite our reservations, Iceland has also been encouraged by the views of human rights non-governmental organizations (NGOs) such as Amnesty International.

The status of the Council as a subsidiary body of the General Assembly is a step forward, and we look forward to the review of its status within the next five years, with a view to elevating it to a principal organ of the United Nations. We also recognize that its more frequent meetings will better equip it to address urgent human rights issues.

The resolution also preserves key strengths of the Commission, including its unique system of independent experts known as special procedures, as well as the important arrangements and practices for NGO participation in its work.

From the outset, it has been the firm belief of Iceland that the composition of the Council and the quality of its membership will have an impact on the functioning of the Council and on the credibility of its work. We still are of this view. Indeed, Iceland will not vote for any candidate country that is under sanctions imposed by the Security Council for human-rights-related reasons or any country that is considered to be committing gross and systematic violations of human rights.

Mr. President, I would like to thank you and your two co-Chairmen, Ambassador Kumalo of South Africa and Ambassador Arias of Panama, for your tireless efforts and determination in bringing our long process to a successful conclusion. I also wish to thank the Secretary-General for his endeavours in the context of this exercise.

Mrs. Hasteh (Islamic Republic of Iran): Mr. President, allow me first to commend you for having completed the important and difficult mandate with which you were entrusted. We would also like to pay tribute to the Permanent Representatives of South Africa and of Panama for their role in leading and facilitating the hectic negotiations that took place on the establishment of the new human rights body.

We would have preferred it if the resolution on the establishment of the Human Rights Council had been adopted by consensus. Since a single delegation, namely the United States, chose to ask for a vote and act against the will of the great majority of the Members of the Organization, we were faced with a situation that was not necessarily desirable to our delegation. We decided, therefore, to abstain in the voting on the draft resolution due to our concerns and reservations on a number of provisions contained therein. To explain our position, I wish to make the following comments.

First, we attach great importance to international efforts to enhance dialogue and broaden understanding among civilizations, cultures and religions, and to ensure universality, objectivity and non-selectivity in the consideration of human rights issues and the elimination of double standards and politicization in the work of the new Council, as rightly and unambiguously recognized in the resolution. In our view, these are the criteria that the Council is bound to observe in its future work in order to avoid the Commission's shortcomings.

Secondly, it is our strong belief that the Council, as a subsidiary organ of the General Assembly, should submit, if necessary, its reports, recommendations and decisions with regard to the promotion and protection of human rights solely to the General Assembly.

Thirdly, the Council is responsible, among other things, for addressing situations of violations of human rights, including gross and systematic violations. This was also one of the Commission's major responsibilities for almost six decades. As everyone knows, that immense mandate has been carried out mainly on the basis of political considerations, without any meaningful intent for, or impact on, the protection and promotion of human rights. That reality requires that the criteria by which a situation of violation is

determined be clearly specified. Furthermore, consideration of country-specific resolutions should not take place unless all means of cooperation have been exhausted, and avoidance of politicization and double standards should be ensured.

Fourthly, we agree that Council membership should be open to all States Members of the United Nations and that members of the Council should be elected directly and individually by the majority of the members of the General Assembly, on the basis of geographical distribution. We are, however, concerned that suspension of the right of membership in the Council, even by a two-thirds majority of Council members, might be used as a pretext by certain States in politically motivated attempts to pursue their national interests. Therefore, we believe that the term specified in the resolution, namely "gross and systematic violation of human rights", should be given a clear and undisputed interpretation.

Fifthly, we would have preferred it if the frequency and duration of the Council's meetings had been more clearly specified and better elaborated on in the resolution. In our view, this issue should be properly addressed by the General Assembly in order to avoid conflicting interpretations and possible confusion in future.

Sixthly, it is unfortunate that despite the endeavours undertaken and the concerns expressed by the member States of the Organization of the Islamic Conference (OIC) with respect to the disturbing practices of blasphemy and of insulting prophets and religions, the proposals put forward by the OIC — which showed great flexibility in drafting them — for incorporation in the resolution have not been duly taken into consideration, nor have they been properly reflected in the text of the resolution. We are of the view that what is reflected in the text, however important, in no way meets the concerns of the Muslim countries.

In conclusion, we earnestly hope that the new Human Rights Council will be successful in the promotion and protection of human rights throughout the world.

Mrs. Ferrari (Saint Vincent and the Grenadines): The Caribbean Community (CARICOM) member States welcome the adoption today of the draft resolution establishing the Human Rights Council. We are pleased to have reached a result after many months of debates, discussions and negotiations.

We wish to congratulate the co-Chairmen of the plenary consultations, Ambassadors Arias and Kumalo, for the hard work they performed throughout the process. Mr. President, you deserve our praise for your efforts, especially for your patient and skilful diplomacy in fashioning a compromise text which could command broad agreement.

It was obviously impossible to satisfy all the different interests and to meet demands from every quarter. In the nature of the multilateral process, compromises and concessions have to be made. We regret that it was not possible to adopt the resolution by consensus.

On our side, CARICOM sought the establishment of a Council which would be inclusive and open to the participation of all States and which would function as a cooperative mechanism for the promotion of human rights, serving as a vehicle for the promotion of genuine cooperation for capacity-building and for mutual assistance. To this end, CARICOM countries participated constructively, I think, throughout the consultations and made several proposals that we believed would make a positive contribution to the strengthening of the United Nations human rights machinery and facilitating the participation of all Member States in the Council, including small States such as ours. While some of our proposals on issues of concern to us ultimately did not find their way into the text, we decided, in the interests of flexibility and compromise, to support your text, Mr. President.

It is our expectation that the new Council will function in a manner that will not follow the politicization and selectivity that discredited the operations of the Commission on Human Rights, that it will not apply double standards, and that its proceedings will be conducted in a cooperative spirit, seeking always to genuinely and objectively promote, in a balanced way, the achievement of all human rights for all people and in all places. Otherwise, our labours will have been in vain.

Ms. Bahemuka (Kenya): Mr. President, let me start by expressing my delegation's deep gratitude to you and your team for the tireless efforts that have successfully steered us through the last five months of negotiations to establish the Human Rights Council. Kenya wishes to thank the Secretary-General for

putting before us last year his visionary proposal to replace the Commission on Human Rights with a more effective and less politicized Human Rights Council.

With the wide spectrum of divergent views that emerged during the informal consultations, it is highly commendable that the President and his team could come up with a compromise text that enjoyed the wide support of Member States and that to a large extent accommodated most of their concerns. No doubt, each one of the Member States would have preferred to carry home the whole cake, but we all know that in a household comprising 191 Member States, this was neither practical nor feasible. My delegation is happy, therefore, that, in a spirit of accommodation and understanding, everybody got a piece of the cake this morning. For this, Kenya is particularly grateful to the two Co-Chairs, Ambassador Kumalo of South Africa and Ambassador Arias of Panama, for the able manner in which they conducted the informal consultations that culminated in the resolution that was presented this morning.

The text that we adopted is workable. It is a big step towards creating an institution that will be stronger and more effective in protecting and promoting human rights. It represents a very significant improvement over the Commission on Human Rights and will definitely reinvigorate the United Nations machinery for the promotion and protection of human rights. The text boasts of many positive elements; it also creates very many new expectations. It is based on the principle that all human rights are universal, inalienable, indivisible and interdependent, and that all human rights should be addressed in a fair, balanced and objective manner. The text stresses dialogue and cooperation, as opposed to confrontation, which had become the hallmark of the Commission. It recognizes that all human rights are equal, be they civil, political, economic, cultural or social. The universal peer review mechanism ensures that all 191 Member States will be subject to equal scrutiny regarding their human rights record, and, more significantly, members of the Council must uphold the highest human rights standards.

It is because of these strengths that Kenya voted this morning in favour of draft resolution A/60/L.48 for the establishment of the Human Rights Council. However, it is regrettable that this important resolution could not be adopted by consensus, as we had wished.

Today for us is a defining moment in this Organization's struggle to advance human rights. It marks the beginning of a transition from the Commission on Human Rights to the Human Rights Council. In the 60 years of its existence, the Commission had its successes — the elaboration of the Universal Declaration of Human Rights, the adoption of the two Covenants, which form the pillars of the current human rights regime, and the special mechanisms of the Commission. These are things that we indeed will remain proud of. Nonetheless, in the last two decades, the Commission lost its credibility due to the selfish political agendas of Member States. Change was thus inevitable if we needed to fulfil the human rights objectives of our Organization. It is for this reason that my delegation is very proud this morning to be able to stand up and be counted among the membership that made this transformation a reality.

As we move forward towards the realization of the Council, it is our hope that we shall not lose sight of the pitfalls that led to the credibility deficit in the Commission on Human Rights. We must jointly strive to make the Council work for the benefit of the rightsholders. On its part, Kenya will fully cooperate with other Member States in creating a Council that is more responsive to the current challenges in the global human rights machinery.

Mr. Zhang Yishan (China) (*spoke in Chinese*): The Chinese delegation would like to make an explanatory statement on draft resolution A/60/L.48 after its adoption.

The outcome document of the World Summit, adopted last September, requested us to establish a Human Rights Council as soon as possible. After more than 30 rounds of consultations over the past five months, the General Assembly has finally adopted the resolution on the Human Rights Council today, officially announcing the creation of the Council.

It has been a difficult process, full of disputes and challenges. In order to fulfil the noble task entrusted to us by the heads of State and Government, various delegations made tremendous and tireless efforts during the consultations. They demonstrated a genuine spirit of mutual respect in seeking common ground, while setting aside differences. The Chinese delegation also took an active part in the consultations and made its own positive contributions. On behalf of the Chinese Government, I wish to extend my gratitude

and congratulations to you, Mr. President, and to your two Co-Chairs — the ambassadors of South Africa and Panama — as well as all other delegations.

The creation of the Human Rights Council marks an historic moment. From now on, the Commission on Human Rights will be replaced by the Human Rights Council. The United Nations human rights body will be upgraded from a functional commission of the Economic and Social Council to a subsidiary organ of the General Assembly. The status of human rights will be further elevated within the United Nations system.

The international community and people all over the world place great expectations on the Council. They all hope the Council will play its due role and more effectively promote all human rights and fundamental freedoms at the global level.

The Chinese delegation appreciates the fact that the resolution has reaffirmed important human rights principles — namely, that in promoting and protecting human rights, it is necessary to respect historical, cultural and religious backgrounds of different countries and regions, and promote dialogue among civilizations, cultures and religions. The resolution also emphasizes that civil, political, economic, social and cultural rights and the right to development are indivisible and equally important. In particular, it should be noted that, in its preambular and operative paragraphs, the resolution indicates repeatedly that the human rights issue should be dealt with in an impartial and non-selective manner in order to avoid double standards and politicization, and promote genuine interactive dialogue and cooperation. The Chinese delegation believes that the aforementioned principles should be the guidelines for the future work of the Council so as to avoid the recurrence of political confrontation prevalent in the Commission on Human Rights.

In addition, resolution 60/251 has solved the longstanding problem of the under-representation of Asian countries in the Commission on Human Rights by redistributing regional seats based on the principle of equitable geographic distribution. Pursuant to the resolution, the Council will guide the work of the Office of the High Commissioner for Human Rights, as decided in General Assembly resolution 48/141. Resolution 60/251 points out that the participation of non-governmental organizations in the work of the Council shall be arranged in accordance with resolution 1996/31 of the Economic and Social Council. The Chinese delegation supports and appreciates the aforementioned elements.

The Chinese delegation also wishes to indicate that the resolution fails fully to reflect the concerns of many developing countries, including China, over some issues. First, it does not provide effective guarantees against political confrontation caused by country-specific resolutions, which have become a chronic disease of the Commission on Human Rights. Secondly, the universal periodic review mechanism to be developed by the Council may overlap with the work of other human rights treaty bodies and special mechanisms, thus increasing the reporting burdens for developing countries. Thirdly, in our understanding, the recommendations of the Council are limited to the General Assembly, with no implications for other United Nations bodies. China will make further comment regarding those concerns during further consultations once the Council is established.

The Chinese Government has always attached great importance to the issue of human rights. While enhancing and protecting the human rights of its own people, China has taken an active part in and supported international human rights cooperation and dialogue. We are in favour of a greater United Nations role in the field of human rights. China therefore supports the creation of the Human Rights Council based on the outcome document and the elevation of the status of human rights in the work of our Organization.

In the future, with the closing of the Commission on Human Rights and the establishment of the Human Rights Council, United Nations reform in the field of human rights will continue. China is ready to adopt an active and open attitude, cooperate closely with all other parties, and play an active role in the work of the Council so as to ensure that the human rights body will truly end confrontation and promote dialogue and cooperation, thus achieving fairly rapid and healthy progress in the field of human rights, a noble cause ardently advocated by people of all countries.

Mr. Sardenberg (Brazil) (*spoke in Spanish*): On behalf of Colombia, Guatemala, Panama, Paraguay, Uruguay and Brazil, I wish to congratulate you, Sir, and co-Chairs Ambassador Ricardo Arias and Ambassador Dumisani Kumalo, on your steadfast and successful work throughout the past five months.

Since the adoption by vote of the Universal Declaration on Human Rights almost 60 years ago, States have incorporated mechanisms into their legal systems that guarantee the protection and fulfilment of human rights. That has been a major achievement and has consolidated standards for contemporary society. The progress so far attained has been a result of strenuous efforts. Nevertheless, our determination to improve standards of living and to put a stop to violations of human rights has overcome every sort of difficulties.

The establishment of the Human Rights Council to replace the Commission on Human Rights represents a watershed in the protection and promotion of human rights, but it cannot be considered an end in itself. The new Council is part of a process that began with the Universal Declaration of Human Rights. For instance, one cannot lose sight of the fact that, at the end of the day, the members of the old and often criticized Commission on Human Rights will be the very same members of the new Council. Notwithstanding, the approach of States to human rights has to be reshaped.

The negotiating process that led to the final draft resolution presented by the President of the General Assembly on 23 February was complex and sometimes tortuous. The efforts and resolve of the entire membership prevailed over obstacles and allowed the will of our heads of State and Governments at the 2005 world summit to be fulfilled. Colombia, Guatemala, Panama, Paraguay, Uruguay and Brazil firmly support the resolution adopted this morning. We reaffirm that the new Council, while preserving the positive elements of the present Commission, constitutes a step forward towards the strengthening and improvement of the United Nations human rights machinery.

The Council, as noted, is an important achievement, but there are imperfections that we hope can be corrected through the day-to-day practice of the new body. The views of our delegations were duly expressed during the negotiating process. I would stress three outstanding issues.

First, the text could have elaborated more broadly the concepts of dialogue and cooperation as instruments for addressing human rights violations. Experience shows that, as a rule, politicizing human rights tends to be counterproductive if not accompanied by positive incentives, such as cooperation and capacity-building.

Secondly, we regret that the proposal for a global report was not included in the final draft. We believe it essential for the situation of human rights to be monitored at the global level in order to allow for the mitigation of political selectivity and double standards, which have been the object of well-founded criticism of the work of the Commission on Human Rights.

Finally, we deeply regret that the representation of the Group of Latin American and Caribbean States in the Council, as compared to the Commission, has fallen by 27 per cent. We understand that regions with an increased number of countries should expand their presence, but there was no decrease in the number of countries in our region. We therefore fail to see why its representation has been reduced so drastically.

The adoption of today's resolution is long overdue. We were deeply concerned to avoid a protection gap created by a waning Commission while a new structure was still lacking. The persistence of that situation could temporarily jeopardize the United Nations system for the protection of human rights.

In closing, Mr. President, let me say that I am in agreement with what you stated in your letter dated 9 March — namely that there are other important matters on the reform agenda that will require our full attention and dedication during this session of the General Assembly. The creation of the Human Rights Council will free up the agenda, allowing delegations to consider other issues that are fundamental to the Organization, such as reform of the Security Council, revitalization of the General Assembly, management reform, reform of the Economic and Social Council, and development, an issue which is of great concern to us.

Ms. Banks (New Zealand): The establishment today of the Human Rights Council represents a renewed commitment by States Members of the United Nations to international human rights standards. The CANZ group of countries supported this resolution because we believe that its key elements provide for a more effective international human rights body than the Commission on Human Rights.

These key elements include: enhanced status as a subsidiary body of the General Assembly; a higher threshold for membership, notably through direct and individual election by an absolute majority of members of the General Assembly through secret ballot rather than unopposed group slates; and a commitment by

Council members to uphold the highest standards in the protection and promotion of human rights and to submit themselves first to the periodic review that will be conducted of all Member States. It also provides a new suspension provision for members of the Council that commit gross and systematic violations of human rights.

Other elements are the ability to address, in either regular or special sessions, human rights emergencies when they occur, and the maintenance of the key strengths of the Commission on Human Rights, notably through the continued strong engagement of civil society and the use of innovative mechanisms such as special procedures and national human rights institutions to help translate the rhetorical commitments of members into genuine improvements in human rights on the ground. It also provides for the Council to adjust and improve its operation through a review after five years.

When we set out on these negotiations, we all had many hopes for the Council. It has not been possible to reach agreement on all of them. That the Council, once established, must avoid the shortcomings of the Commission on Human Rights; the fact that some Member States responsible for gross and systematic human rights abuses were elected unopposed on group slates; a repetitive work programme and a lack of flexibility to address issues as they arise — in the light of all of those things, we would have liked the resolution establishing the Council to have contained even stronger thresholds for membership through a two thirds majority vote and tougher provisions for preventing gross and systematic abusers of human rights from being elected to the Council.

To help strengthen the Council's capacity in that respect, each of the Governments of Canada, Australia and New Zealand individually pledges that, consistent with our Governments' longstanding national policies, we will not vote onto the Council countries that are under sanctions of the Security Council for human rights-related reasons. We also pledge our efforts to ensure a more robust and balanced agenda and programme of work for the new body.

To make a success of the Council will require a conscious commitment to bring improvements to the lives of people far removed from the Council's location in Geneva. Together we must cultivate a new culture, one which is inclusive, operationally focused and in which there is no place for double standards.

The Human Rights Council will be effective if it retains the respect of United Nations Member States and civil society, adopts an equitable and robust programme of work, involves the active participation of all United Nations Members, and if it has the authority to ensure that its voice is heard, and listened, to by human rights violators. It will effective if its voice gives hope to those whose rights have been violated.

Negotiations over the past month have been skilfully facilitated by our co-Chairmen — Ambassador Ricardo Arias and Ambassador Dumisani Kumalo — and drawn to a successful conclusion by you, Sir, as President of the General Assembly. We thank you and the co-Chairmen for your personal commitment and dedication to this historic task.

We look forward to working with the Council as it embarks on the critically important mission with which it has been entrusted.

Mr. Guterres (Timor-Leste): Mr. President, Timor-Leste commends the extraordinary and tireless efforts made by you, by Member States and by the two co-Chairmen – Ambassador Kumalo of South Africa and Ambassador Arias of Panama.

However, Timor-Leste would have preferred that negotiations continue for a few more weeks so as to ensure that consensus was reached in the creation of this important and historic Human Rights Council.

We share the same concerns on membership criteria of the new Council as expressed by other delegations, including the European Union and the United States. In that regard, Timor-Leste will not vote in favour of candidates for membership on the Human Rights Council that are under sanctions of the Security Council for human rights abuses.

We are strongly committed to the promotion and protection of human rights, and, in that regard, we will actively cooperate with the Human Rights Council.

Finally, we associate ourselves with the statement to be delivered by the representative of Sao Tome and Principe on behalf of the Portuguese-speaking countries.

Mr. Sen (India): First of all, let me begin with a phrase used by Jawaharlal Nehru, who said that a

decisive moment is when an age ends and a new one begins. We have seen such a decisive moment this morning.

The United Nations has shown that, in spite of all its critics and the crescendo of criticism to which it has been exposed, particularly in the recent past, that it can deliver and that it can create something with a high threshold, something that is radical, something that is new, and that it can achieve this broad agreement among such a vast membership.

Here I must say, Mr. President, that you deserve our special congratulations for the sensitivity with which you have held firmly to the centre, where broad agreement is to be found, and the sensitivity with which you have been able to take on board the views of diverse members, harmonize them in this text and achieve a broad agreement.

As far as India is concerned, it is certainly a special day, because we are committed — and have been since before independence — to the enlargement of human freedoms throughout the world. Therefore this Council, which meets, to use once again a phrase of Nehru's, possibly not in full measure but certainly in substantial measure, the demands of the civil society of the world, is indeed a creditable and important achievement for the United Nations itself.

We also congratulate the co-Chairmen — Ambassador Arias and Ambassador Kumalo — for the work they have done and for their tireless efforts. Personally, I think that the strength that has been shown in the negotiations has been the strength of cooperation and dialogue. The future strength of the Council will also depend on those same principles of cooperation and dialogue. It is in that spirit that my delegation and I personally also worked to promote a broad agreement, and therefore we also have a sense of institutional satisfaction as a delegation.

We are confident that, because of the principle that I just enunciated, there is no real contradiction. I have listened carefully to the statements of most delegations — I have tried to be present here most of the time — and I do not see any contradictions between what is in the text and what most delegations would like to achieve and like to see happen.

For instance, you yourself, Mr. President, said in your statement that we must develop better ways of promoting tolerance of, respect for and freedom of religion and belief. That is something that is a part of the work of any human rights council; it is certainly a part of innumerable human rights instruments that we have. In that connection, I would like to recall the American Convention on Human Rights of 22 November 1969 — also referred to as the Pact of San José, Costa Rica — to which most of the countries of the Americas are signatory. In its Part I, Chapter I, Article 1, the Convention emphasizes opposition to discrimination for reasons of race, colour, sex, language or religion.

So I do not really think that there is any contradiction between what this Council will do and should do and an established understanding of human rights as embodied in various instruments, including in the region where we are sitting at present. In addition, we all know that this is very much a part of the African (Banjul) Charter on Human and Peoples' Rights. It is also part of the thinking of the developing countries. Specifically, one of the greatest philosophers of modern-day Ghana, Kwame Appiah, says in his great work "Cosmopolitanism" that there are universals. We may not think that those universals include, let us say, liberalism or any special beliefs, but there are universal moral obligations, which include respect, as he says, for particularities. So that is very much a part of our thinking and very much a part of the spirit of cooperation and dialogue in which the Council was born and which will give strength and life to the Council as it works in the future.

Similarly, we stand very firmly by the text with regard to the General Assembly having the power to point out systematic or gross violations of human rights. We are happy that we do not have Security Council-led conditionalities. Quite apart from most of the other reasons mentioned earlier — which I will not go into — in the context of the current debate, I think any Security Council-led conditionalities would be open to the temptation of further encroachment on what is essentially something for the General Assembly to ultimately take a position on. Therefore, such encroachment would continue to be resisted, as with a wall of steel, and hopefully would eventually be rolled back and swept away, as by a river in spate. So here also, I do not really see any contradiction. In fact, we think that the text captures what needs to be done.

The same is true of the question of development. In both the preambular and the operative paragraphs of this resolution, a commitment to the right to

development is reflected quite clearly, and I believe that that is as it should be. So here also, I do not see any contradiction between an emphasis on that right and what the text already contains. The text belongs to a long tradition going back to resolution 41/128 of 4 December 1986, on the right to development. The resolution said clearly that development is an inalienable human right and that all human rights and fundamental freedoms can be fully realized through it. Moreover, as we all know, it was the United Nations Committee on Economic, Social and Cultural Rights that, in 1990, sponsored the Global Consultation on the Realization of the Right to Development as a Human Right. And finally, there are various other instruments to that end. As you said in your statement, Mr. President,

> "On development, we must now do all we can to ensure that the commitments of 2005 are implemented in 2006. If we are to achieve the Millennium Development Goals by 2015, there is no time to lose."

In that context, I would recall the seventh session of the Working Group on the Right to Development, held in Geneva from 9 to 13 January 2006. It adopted a set of criteria for the periodic evaluation of the global partnership for development referred to in Millennium Development Goal 8 from the perspective of the right to development. It also said that the policies of the Bretton Woods institutions have to be corrected in terms of deficiencies from the perspective of the right to development.

Here also, there is broad agreement that straddles various divides. And that relates back to what I said about not seeing any fundamental contradictions. In fact, this year in Geneva, both Canada and Japan joined the consensus in the Working Group on the Right to Development. Therefore, I am sure that as we move forward we will continue to have the cooperation of the broad majority of States in fulfilling what the Millennium Declaration stated: that we have to make the right to development a reality for all.

I would like to conclude by expressing my congratulations to all the Member States that made this possible.

Mr. Akram (Pakistan): Today we have adopted an important — some say historic — decision in the process of United Nations reform. We commend the painstaking efforts that you, Mr. President, and your two Co-Chairmen, Ambassador Kumalo and Ambassador Arias, have made in developing the present text through an open and transparent process of dialogue. Were it not for your personal leadership, skill and diplomacy — including, I might add, late-night calls — this widest possible agreement reached in the Assembly might not have been possible.

On 24 February, Mr. President, you circulated the text as a presidential draft resolution. It has long been the tradition at the United Nations that presidential texts are presented only for adoption by consensus and without a vote. It has also been the consistent position of Pakistan — and that of the Uniting for Consensus group — that decisions on United Nations reform should be adopted by consensus or by the widest possible agreement and without a vote. Therefore, it is regrettable that the Assembly was called upon to vote on this presidential draft resolution. We hope that that will not have a negative impact on other United Nations reform issues.

Having been obliged to register its vote on the presidential draft resolution, Pakistan voted in favour of it. However, we wish to express the following views on the text.

Pakistan has believed for many years that the United Nations machinery is in need of a comprehensive overhaul. The 2005 summit, however, focused only on replacing the Commission on Human Rights with a new Human Rights Council. We are not convinced that the new Council will in itself significantly improve the manner in which human rights are considered within the United Nations. We therefore attach significance to the provisions in the text calling for a review and rationalization of the rest of the human rights machinery: the 46 proliferated and duplicative special procedures, the composition and operation of the Office of the United Nations High Commissioner for Human Rights, the best utilization of the Sub-Commission on the Promotion and Protection of Human Rights, the streamlining of the 1503 confidential procedure and the consultation with civil society. We hope that the Human Rights Council will complete this review during its first year and report back to the General Assembly.

The new Council, as stated in the resolution, would adopt a more cooperative approach to the promotion and protection of human rights. However, the resolution has not removed the underlying reasons

for the politicization and confrontation that had become a hallmark of the Commission on Human Rights. The Commission was discredited, we believe, not so much by the worst violators, but by the readiness of some States to condemn each other rather than help each other. We hope that the Human Rights Council, with its new configuration, will build safeguards against the arbitrary and discriminatory targeting of developing countries, especially Islamic countries.

The new Council has to elaborate arrangements for the new universal review process. This should be based on a cooperative approach and objective and verified information. It should not become another avenue for the selective targeting of developing countries.

We are glad that the membership of the Council will now reflect an equitable distribution of seats among the five regional groups in the United Nations. However, conditions and procedures for election to the Human Rights Council, stipulated in operative paragraph 8, are unprecedented, especially for a subsidiary organ. Having established this precedent, similar benchmarks of performance and commitment should also be incorporated for election to other United Nations bodies, especially the economic bodies. For example, fulfilment of agreed development commitments, such as the 0.7 per cent official development assistance, should become a benchmark for election to the Economic and Social Council.

Pakistan endorses the statement made by the representative of Yemen on behalf of the Organization of the Islamic Conference (OIC). The OIC had proposed that provisions relating to respect for religions, prophets and cultures should be accommodated in both the preambular and operative parts of the draft resolution. We are grateful to you, Mr. President, for the addition of the seventh preambular paragraph to accommodate these concerns in the draft. We also note your statement this morning that the Human Rights Council and this Assembly will take decisions on this important and sensitive issue. The Council and the General Assembly indeed have a moral and legal responsibility to promote respect for religions, prophets and cultures and to halt and reverse the phenomenon of Islamophobia. The OIC is ready to engage in a dialogue to reach agreed decisions. We note your assurance in this context and hope that such action will be pursued, in view of the urgency and importance of the issue.

While we have taken the decision today to establish a new Human Rights Council, the two resolutions on development and on reform of the Economic and Social Council remain to be approved. We are concerned at the resistance encountered from some countries to proposals to fulfil the international commitments to development goals. This reinforces the sense of double standards, which has been consistently opposed by the Group of 77 and China. The 2005 world summit was to be a development summit. The present impasse in implementing the summit outcome on development is, therefore, a matter of deep concern. Now that the Human Rights Council is out of the way, so to speak, we trust, Mr. President, that your first priority will be to secure the adoption, if possible by consensus, of the two resolutions on development and on reform of the Economic and Social Council.

Mr. Noghès (Monaco) (*spoke in French*): I am taking the floor on behalf of the Principality of Andorra and the Republic of San Marino, who align themselves with the Principality of Monaco, to provide an explanation of vote by stating that they endorse the position of the European Union as presented by the Ambassador of Austria.

We believe that the issue of human rights is one of the fundamental aspects of the reform of the United Nations that were discussed at the summit of heads of State and Government last September.

Reform is a permanent process, and we should continue to make progress in other areas such as development, security and the management of the Organization. The project for the reform of the Commission on Human Rights led to the resolution just adopted, and we warmly welcome this. We recognize the complex nature of the work that was carried out, and we would like to thank you, Mr. President, and Ambassadors Kumalo and Arias, for all the efforts to try to reconcile the points of view that often diverged on essential aspects.

Like the overwhelming majority of Members, we believe that this text could and should have gone further in ensuring the credibility and reliability of the new Human Rights Council. Nevertheless, we believe that this resolution does contain a certain number of specific guarantees that allow us to believe that it represents significant progress in defending and promoting all human rights, compared with the situation that existed in the past. It is in this spirit that our three delegations decided to vote in favour of the resolution.

Ms. Tincopa (Peru) (*spoke in Spanish*): Peru voted in favour of draft resolution A/60/L.48 because human rights are a decisive factor in our foreign policy. Without respect for and protection of human rights, there is no human civilization, for they are at the epicentre.

Peru has participated in the Commission on Human Rights as a member, off and on, for the last 20 years, and at present holds in the Chair of the Commission — the Commission that is to be replaced, as decided today, by the Human Rights Council. This reflects our firm commitment to the defence and promotion of human rights at both the international and national levels. In Peru there has been important progress in human rights, particularly with regard to women and the attention due to victims, the latter through the Truth and Reconciliation Commission.

We welcome the birth of this new multilateral body, the mandate of which is more robust and focuses essentially on victims of human rights violations. The victims have been looking for the United Nations to take up its responsibility and adopt, as was done this morning, a system for stronger and more effective global protection, with greater powers and authority, following the logic of human rights law rather than politicization, which is what eroded the legitimacy of the Commission.

Since 1948, the international community has seen the United Nations capacity to protect and promote human rights grow. The Universal Declaration of Human Rights raised human rights to the status of universal ethical and legal values shared by all civilizations and religions. We hope that with the creation of the new Council, its members will respect and observe human rights in the wider sense. We hope that the Council will protect human rights from the perspective of the victims, that it will adopt its decisions on the basis of criteria with recognized legitimacy, without discrimination or political selectivity, and that it will enjoy the essential contributions of international civil society and non-governmental organizations. We also hope that dialogue and cooperation will be essential components of the prevention of human rights violations.

Peru associates itself with the statement made by the representative of Brazil on behalf of Uruguay, Paraguay, Colombia, Guatemala and Panama concerning the regrettable decrease in the presence of Latin America and the Caribbean on the new Council.

Finally, we wish to express once again our appreciation to you, Mr. President, and to the two Co-Chairmen for all the efforts that culminated in the establishment of the new Human Rights Council, an important triumph for humanity.

Mr. Ferreira (Sao Tome and Principe): On behalf of the members of the Community of Portuguese-Speaking Countries — Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique, Portugal, Sao Tome and Principe, and Timor-Leste — I would like to welcome the adoption of draft resolution A/60/L.48, which establishes the Human Rights Council. The Community would like to join others in commending you, Mr. President, and the Co-Chairmen — Ambassador Arias of Panama and Ambassador Kumalo of South Africa — for the tireless efforts towards that achievement.

With this important step in the implementation of the decisions of our heads of State and Government at the 2005 World Summit, the United Nations will be better equipped to promote and protect all human rights and fundamental freedoms for everyone. The members of the Community of Portuguese-Speaking Countries express their intention to participate actively in the work of this new body and to contribute to the effective fulfilment of its mandate.

Ms. Tchitanava (Georgia): We welcome the adoption of the resolution establishing the Human Rights Council. We would very much like to thank you, Mr. President, and the Co-Chairmen, Ambassadors Arias and Kumalo, for the tireless work. Georgia is very much in favour of the Human Rights Council, and we will do everything we can to support its functioning.

The President: We have heard the last speaker in explanation of vote.

I call on the representative of Cuba, who wishes to speak in exercise of the right of reply. May I remind members that statements in exercise of the right of reply are limited to 10 minutes for the first intervention and to 5 minutes for the second and should be made by delegations from their seats.

Mrs. Núñez Mordoche (Cuba) (*spoke in Spanish*): The United States cannot reply to Cuba and Venezuela because it has no arguments or moral

standing that would enable it to do so. Cuba will reply, because we have such arguments and moral standing.

The imperial Power persists in its stubborn tradition of setting itself up as morally superior in order to accuse and defame those who defend human dignity. Its demagoguery seeks to transform the main large-scale violator of all human rights — a country that does not recognize the right to development or even the right to health — into the great protector and incomparable champion of human rights.

While it continues to prepare extensive reports about others and to repeat empty and hypocritical speeches, the Bush Administration claims the right to practice torture as an instrument in the fight against terrorism, the right to arbitrarily detain and deny the most fundamental rights of human beings on the mere suspicion of links to terrorism, the right to spy on its own citizens and even the right to bomb cities in the name of freedom and democracy. How can a country such as the United States demand conditions for membership in the Human Rights Council?

The United States Government has no moral standing to claim anything about any other nation with regard to human rights. Let us recall that only a few weeks ago, when looking into the violations committed at the United States Government's detention centre on the territory that it illegally occupies in Guantánamo, five special investigators of the Office of the United Nations High Commissioner for Human Rights condemned that Government's attempts to legalize torture, to set itself up as judge, prosecutor and defence and to violate international human rights instruments to which Washington itself is a party.

On what moral grounds can the United States Government demand anything of any other nation with respect to human rights if its soldiers treat prisoners inhumanely in full view of the entire Abu Ghraib prison and defile and offend the most sacred feelings of Muslims throughout the world? What lessons about promoting and protecting human rights can be given to us by the very people who abandoned thousands of their countrymen to their fate when Hurricane Katrina devastated Louisiana?

Cuba believes it is unacceptable for a country or group of countries to assume the right to interpret the resolution's text according to its whim, particularly if it is to satisfy the interests and desires of the Government of the United States, which, as we have pointed out, is a systematic and massive violator of human rights. We would like to see whether the European Union; the group comprising Canada, Australia and New Zealand; and other countries that today expressed their capricious interpretation of the text will object to the presence of the United States — a systematic and massive violator of human rights — on the Council.

Let us dispel all the lies once and for all. The United States attacks our country on political grounds precisely because we defend, protect and promote all the human rights of all Cuban men and women. The denigration of the Cuban revolution is due to a relentless search for justification for the blunt embargo policy against our country, and not because there are any violations of human rights in Cuba. We have true democracy in Cuba for our people, as well as a serious commitment to improve our social and economic indicators.

It is the Cuban people who work with their brothers and sisters throughout the world. It is the Cuban people who are building their present and their future. There will be no going back on that path, despite the opposition and aggression of the greatest Power in history.

The President: Some delegations have brought to our attention the fact that some minor translation corrections are needed to the draft resolution A/60/L.48, which the Assembly adopted this morning. The Secretariat has taken due note of that, and will make the necessary technical changes to the documents.

Statement by the President

The President: I have listened very intently to this round of interventions in this debate. I think it was very important. We are at a historic moment, as several members have underscored. This is the moment to listen to each other, when we state our positions, interpretations, intentions, aspirations, expectations, hopes and even dreams, in the work of human rights. These are to be seen as contributions to the new Human Rights Council. I hope we will continue to work in a positive spirit and make this a strong United Nations body.

Some members have made the point that this is an historic achievement and an historic moment. It is important in that we have today made sure that the United Nations preserves the human dimension of its work. I often talk about that as the soul of the United Nations, but the human rights dimension is one of the three pillars that our leaders asked us to build upon and

strengthen at the conclusion of their meeting in September last year. We have done that.

I think we should also see this from the perspective of the General Assembly's role and authority and its capacity to take decisions where we need to take decisions. We can deliver, as the Ambassador of India said, and we are capable of taking such decisions.

As has been stated, the decisions on human rights machinery are related to the other aspects of the work of the United Nations: security and development. Let us now go to work. The road towards establishing the Human Rights Council has been long and arduous, as we all agree. I regret the nightly calls and the different interventions over weekends with several members. I am very glad that all members appreciated the inclusive, transparent and open way in which I and the Co-Chairmen wanted to work.

We need to move ahead now. The development issues are out there; the realities in the world are out there, including poverty and disease. All that requires our attention, and we have work to do on development in the Economic and Social Council. We also have work to do on management and Secretariat reform, apart from all the other issues mentioned by several members. I think many of us have been waiting for this moment to now get to work on other issues, after perhaps a short rest over the weekend.

Lastly, I would like to say that to come to this decision at this difficult time in the world and in the turmoil we see around us every day is a particular achievement by the Assembly — that it could lift itself above those elements of turmoil and the very strong national pressures and concerns that members have, and take an international and long-term perspective, which we need in order to strengthen the human rights machinery and the United Nations.

I think it is important that, on the question of human rights, we have a sense of ownership over human rights work. This is not a North-South issue. The Universal Declaration of Human Rights is to be universally applied and universally respected. Cooperation and dialogue must guide our work, so that we go forward together. Particularly important today is to stand up for tolerance and respect for cultures, civilizations and religions. We must continue that work in the different bodies of the United Nations.

Several members quoted important persons in the area of human rights. I would take the liberty of quoting an important American personality, Eleanor Roosevelt. As members are aware, the Universal Declaration of Human Rights was adopted by the General Assembly on 10 December 1948. The vote at that time was 48 in favour, none against and 8 abstentions. There was a paragraph-by-paragraph vote. All amendments were defeated, save one, before the resolution was adopted. The membership was somewhat smaller. I envy the President at the time. Out of the many other beautiful words she said, Eleanor Roosevelt wrote after the adoption:

> "The immense importance of the Declaration is in the mere fact that all of us are working in the same direction, that we do take appreciable steps in recognizing the value of the human personality and the dignity of the human being, and that we grow in respect for the rights and freedoms of our fellow men."

In closing, I would like to thank members, who have been very kind in thanking me and the Co-Chairmen. But I think that we all deserve to be congratulated, because we can be proud of what we have done today for the work on human rights, for our Organization, the United Nations, and for the cause of multilateralism. We have today underscored the power of the word "together".

The General Assembly has thus concluded this stage of its consideration of the agenda items 46 and 120.

Programme of work

Before I adjourn this meeting, I would like to inform members that the next meeting of the General Assembly will be held tomorrow morning, Thursday, 16 March 2006, at 10 a.m. in Conference Room 4. As its first item, the Assembly will resume its consideration of sub-item (c) of agenda item 112, entitled "Election of the Executive Director of the United Nations Environment Programme". As the second item, the Assembly will consider the report of the Fifth Committee on sub-item (b) of agenda item 113, entitled "Appointment of members of the Committee on Contributions".

The third meeting of the ad hoc working group on the revitalization of the General Assembly — which, as members are aware, is chaired by the Ambassadors of Yemen and Latvia — will commence immediately following the adjournment of the 73rd plenary meeting.

The meeting rose at 5.35 p.m.